THE TRYAL OF William Viſcount Stafford FOR HIGH TREASON,

In Conſpiring the Death of the KING,
The Extirpation of the PROTESTANT RELIGION,
The Subverſion of the GOVERNMENT, And
Introduction of POPERY into this Realm,

Upon an

IMPEACHMENT

BY THE

Knights, *Citizens*, and *Burgeſſes* in Parliament Aſſembled,
In the Name of Themſelves and of All the

Commons of England:

Begun in *Weſtminſter-Hall* the 30th day of *November* 1680, and continued until the 7th of *December* following, on which day Judgment of High Treaſon was given upon him.

With the Manner of his Execution on the 29th *of the ſame Month.*

LONDON:
Printed by the Aſſigns of *John Bill*, *Thomas Newcomb*, and *Henry Hills*, Printers to the Kings moſt Excellent Majeſty. 168[illegible]

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LONDON:
Printed by the Assigns of *John Bill*, *Thomas Newcomb*, and *Henry Hills*,
Printers to the Kings most Excellent Majesty. 1681.

THE

TRYAL

OF

W. Viſcount Stafford,

Begun in *Weſtminſter-Hall, Novemb.* 30. 1680.

The Firſt day.

William Earl of Powis, William Viſcount *Stafford, Henry Lord Arundel of Wardour, William Lord Petre,* and *John Lord Bellaſis*, having been formerly Impeached in the *Houſe of Lords*, of *High Treaſon*, and other High Crimes and Offences, by the *Houſe of Commons*, in the Name of themſelves, and of all the *Commons* of *England*;

And the Houſe of Commons having ſent a Meſſage to the Lords, to Acquaint them with the Reſolution of that Houſe, to proceed to the Trial of thoſe Lords then in the *Tower*, and forthwith to begin with the ſaid Viſcount *Stafford*, and to deſire their Lordſhips to Appoint a Convenient day for the Trial of the ſaid Viſcount *Stafford*; their Lordſhips did thereupon Appoint the 30th. day of *November*, 1680. for his Trial; And a place in *Weſtminſter-Hall*, having been (for that purpoſe) Erected, the ſame was as followeth, *viz.* Therein were both Seats and Wool-packs, correſpondent in all points to thoſe in the Houſe of Lords; as alſo a State placed at the upper end thereof, with a Cabinet for the King (and whom His Majeſty ſhould think fit to Attend him there) on the right hand the State, and the like on the Left hand for the Queen and her Followers. As alſo Galleries over head, for Ambaſſadors and others.

And to the End that the Commons might be fitted with Seats upon this great occaſion, there were Erected for them, on each ſide divers Benches, on ſeveral degrees, extending to the utmoſt Walls of the Hall.

At the Lower end, the Bar, (whereunto the Priſoners were to be brought) being placed; on the Right hand thereof was a place raiſed about five Foot, wherein the Witneſſes were to ſtand; And on the Left hand a Convenient Room for thoſe particular Members of the Houſe of Commons, which were to Manage the Evidence.

And the Right Honorable *Heneage Lord Finch, Baron of Daventry, Lord High Chancellor of England*, being by His Majeſties Special Letters *Patent*, bearing Date the 30*th.* of *November*, 1680. Conſtituted *Lord High Steward* for that preſent occaſion; upon *Tueſday* the ſaid 30*th.* of *November*, the *Lord High Steward* was Honorably Attended from his Houſe in *Queen-*

ſtreet,

ſtreet, by all the *Judges* of His Majeſties Courts in *Weſtminſter-Hall* in their Robes; As alſo by *Garter*, Principal King of Arms, in His Majeſties Coat of Arms, and the Gentleman Uſher of the *Black Rod*, unto whom His Majeſty had the day before delivered the *White wand*, to be carryed before his Lordſhip; And about Nine of the Clock in the Morning, ſet forwards in his Coach towards *Weſtminſter*, ſitting at the hinder end thereof; *Garter* and the Gentleman who bore the *Great Seal*, Sitting both uncovered at the other end; one of the Serjeants at Arms, with his Mace being placed on the Right ſide the Coach, and the Uſher of the *Black Rod* carrying the *White wand* on the Left ſide; The Judges and his Lordſhips Gentlemen, in ſeveral Coaches following after.

Being thus come to the Stairs-foot Aſcending to the *Houſe of Peers*, the Judges went up Two and Two together (the Juniors firſt) next the Lord High Steward's Gentlemen: after them the *Serjeant at Arms* with his Mace, and the *Seal-bearer*; and Laſtly the Gentleman Uſher of the *Black-Rod*, bearing the *White wand*; *Garter* principal King of Arms, going on his Right hand.

Then his Lordſhip alone; his Train born by one of his Gentlemen, In this manner Entring the *Houſe of Peers*, he found all the *Lords* in their Scarlet Robes; alſo the Biſhops in their Rochets, and took his place upon the uppermoſt Wool-ſack.

This done and Prayers ended, his Commiſſion for *Lord High Steward*, *NB.* was read; And then the Biſhops receded, and the Lords Adjourned themſelves into the *new erected Court* in *Weſtminſter-Hall*.

All things being thus in readineſs, and a large Door-place broken through the upper end of *Weſtminſter-Hall*, into that Room which was heretofore the *Court of Wards*.

Their Lordſhips paſſed from their Houſe firſt into the *Painted Chamber*, then through that called the *Court of Requeſts*; Thence (turning on the Left hand) into that called the *Court of Wards*, then entred at the Door (ſo broke down as aforeſaid) into *Weſtminſter-Hall*, and paſſed through a Long Gallery, (placed between the *King*'s-*Bench* and *Chancery* Courts) into this New Erected Court in *Weſtminſter-Hall*, and proceeded after this manner, *viz.*

Firſt the Aſſiſtants to the Clerk of the Parliament.

Then the Clerk of the Crown in Chancery, and Clerk of the Parliament; after them the Maſters in Chancery Two and Two, and the King's Attorney General, alone.

Then the *Judges* of all the Courts in *Weſtminſter-Hall*, by Two and Two.

Next to them Noblemens Eldeſt Sons.

After them Four Serjeants at Arms, bearing their Maces.

Next the Gentleman Uſher of the *Black Rod*.

Then all the Noble Men according to their reſpective Degrees, the Juniors firſt, *viz.*

Barons.
Viſcounts.
Earls.
Great Officer, *viz. Lord Chamberlain* of the Houſhold.
Marqueſſes.
Dukes.
Great Officers { *Lord Privy Seal.* / *Lord Preſident* of the Council.

Then Four more *Serjeants at Arms* bearing their Maces.

After them, the Gentleman carrying the *Great Seal.*

Then

Then one of His Majeſties Gentlemen Uſhers, daily-waiters carrying the *white Wand*. *Garter* Principal King of Arms going on his right Hand.

Then the *Lord High Steward* alone, having his Train born, And after him his Highneſs *Rupert Duke of Cumberland*, a Prince of the Blood.

This done, and the whole Houſe of Peers having taken their Places according to their Degrees, the Commons being alſo Seated on each ſide, and the Managers in the Rooms appointed for them; the Commons being all bare, The Lord High Steward (after obeyſance made towards the State) took his Place upon the uppermoſt Woolſack, and thereupon receiving the *white Wand* from *Garter* and the Gentleman Uſher upon their Knees, delivered it to the Uſher of the *Black Rod*, who held it during the time of Sitting there; Having ſo done, his Lordſhip ſaid, *Cryer, make Proclamation of ſilence*, Then the Cryer (a Serjeant at Arms) made Proclamation thus;

All manner of Perſons are ſtraitly Commanded to keep ſilence, upon pain of Impriſonment.

God Save the King.

Lord High Steward. Make Proclamation for the Lieutenant of the Tower to bring the Priſoner to the Bar.

Cryer, *O yes, O yes, O yes*, Lieutenant of the Tower of *London*, bring forth thy Priſoner, *William* Viſcount *Stafford*, upon pain and peril ſhall fall thereon.

God Save the King.

Whereupon the Lieutenant of the *Tower* brought the Priſoner to the Bar.

Uſher of the Black Rod. My Lord *Stafford* muſt Kneel (which he did.)

Lord High Steward. Riſe my Lord.

Then he Aroſe and ſtood at the Bar, and the Lord High Steward ſpake to him as followeth,

My Lord Viſcount Stafford,

THe Commons of *England* Aſſembled in Parliament have Impeach'd your Lordſhip of High Treaſon; and you are brought this Day to the Bar to be Tryed upon that Impeachment: You are not Try'd upon the Indictment of Treaſon found by the Grand Jury (though there be that too in the Caſe,) But you are Proſecuted and Purſued by the Loud and Dreadful Complaints of the Commons: and are to be Try'd upon the Preſentment which hath been made by the Grand Inqueſt of the whole Nation.

In this ſo Great and weighty Cauſe, you are to be Judg'd by the whole Body of the Houſe of Peers, The Higheſt and the Nobleſt Court in This, or perhaps in any other part of the Chriſtian World.

Here you may be ſure no Falſe Weights or Meaſures ever will, or can be found; Here the Ballance will be Exactly kept,

and all the Grains of Allowance which your Caſe will bear, will certainly be put into the Scales.

But as it is impoſſible for my Lords to Condemn the Innocent, ſo 'tis equally Impoſſible that They ſhould clear the Guilty.

If therefore you have been Agitated by a Reſtleſs Zeal, to Promote that which you call the *Catholick Cauſe*. If this Zeal have Engaged you in ſuch Deep and Black Deſigns as you are Charged with, and this Charge ſhall be fully Prov'd, Then you muſt Expect to Reap what you have Sown; for every Work muſt, and ought to Receive the Wages that are due to it.

Hear therefore with Patience what ſhall be ſaid againſt you, for you ſhall have full Time and Scope to Anſwer it: And when you come to make your Defence, you ſhall have a very fair and equal Hearing.

In the mean time, the beſt Entrance upon this Service will be to begin with Reading of the Charge.

Lord High Steward. My Lord, if your Lordſhip find your ſelf infirm and unable to ſtand, your Lordſhip may have a Chair to eaſe your ſelf whilſt the Charge is Reading, and a Chair was brought accordingly, and his Lordſhip ſate thereon.

Clerk of the Parliament, Read the Charge.

Articles of Impeachment of High Treaſon, and other high Crimes and Offences againſt *William* Earl of *Powis*, *William* Viſcount *Stafford*, and *Henry* Lord *Arundel* of *Wardour*, *William* Lord *Petre*, and *John* Lord *Bellaſis* now Priſoners in the Tower of *London*.

1. *THat for many years now laſt paſt, there hath been contrived and carried on by Papiſts, a Trayterous and execrable Conſpiracy and Plot within this Kingdom of* England, *and other places; to Alter, Change, and Subvert the Ancient Government and Laws of this Kingdom and Nation, and to Suppreſs the True Religion therein Eſtabliſhed, and to Extirpate and Deſtroy the Profeſſors thereof; which ſaid Plot and Conſpiracy was contrived and carried on in divers Places and by ſeveral ways and means, and by a great number of Perſons of ſeveral Qualities and Degrees who Acted therein, and intended thereby to Execute and Accompliſh the aforeſaid Wicked and Traiterous Deſigns and Purpoſes.*

2. *That the ſaid* William *Earl of* Powis, William *Viſcount* Stafford, Henry *Lord* Arundel *of* Wardour, William *Lord* Petre, *and* John *Lord* Bellaſis, *together with* Philip Howard, *commonly called* Cardinal of Norfolk, Thomas White *alias* Witebread, *commonly called* Provincial of the Jeſuits in England. Richard Strange, *lately called* Provincial of the Jeſuits in England Vincent *commonly called* Provincial of the Dominicans in England. James Corker, *commonly called* Preſident of the Benedictines. *Sir* John Warner, *alias* Clare *Baronet*, William Harcourt, John Kenis, Nicholas Blundel, —— Poole,

——Poole, Edward Mico, Thomas Bedingfield *alias* Benefield, Basil Langworth, Charles Peters, Richard Peters, John Conyers, *Sir* George Wakeman, Thomas Fenwick, Dominick Kelly, Fitz-gerrald, Evers, *Sir* Thomas Preston, William Lovel *Jesuits*, *Lord* Baltemore, John Carrel, John Townely, Richard Langhorn, William Fogarty, Thomas Penny, Matthew Medbourn, Edward Colman, William Ireland, John Grove, Thomas Pickering, John Smith; *and divers other Jesuits, Priests, Fryers, and other Persons, as false Traytors to his Majesty, and this Kingdom, within the time aforesaid, have Traiterously Consulted, Contrived, and Acted so, and for the accomplishing of the said wicked, pernitious and Traiterous designs, and for that end did most wickedly, and Traiterously agree, Conspire, and Resolve to Imprison, Depose, and Murder his Sacred Majesty; and to deprive him of his Royal State, Crown and Dignity, and by malicious and advised speaking, writing, and otherwise, declared such their Purposes and Intentions.*

And also to subject this Kingdom and Nation to the Pope, and to his Tyrannical Government.

And to seize and share amongst themselves the Estates and Inheritances of his Majesties Protestant Subjects.

And to Erect and restore Abbeys, Monasteries, and other Convents and Societies, which have been long since by the Laws of this Kingdom suppressed for their Superstition and Idolatry, and to deliver up and restore to them the Lands and Possessions now vested in his Majesty and his Subjects, by the Laws and Statutes of this Realm: And also to Found and Erect new Monasteries and Convents, and to remove and deprive all Protestant Bishops, and other Ecclesiastical persons from their Offices, Benefices and Preferments.

And by this means to destroy his Majesties Person, extirpate the Protestant Religion, overthrow the Rights, Liberties, and Properties of all his Majesties good Subjects, Subvert the lawful Government of this Kingdom, and subject the same to the Tyranny of the See of Rome.

3. *That the said Conspirators and their Complices and Confederates, Traytorously had and held several Meetings, Assemblies, and Consultations, wherein it was Contrived and Designed among them what means should be used, and what Persons and Instruments should be Employed to murder his Majesty; And did then and there resolve to effect it by poysoning, shooting, stabbing, or some such like ways and means, and offered Rewards and Promises of advantage to several persons to execute the same, and hired and imployed several wicked persons to go to* Windsor *and other places where his Majesty did reside, to murder and destroy his Majesty, which said persons or some of them accepted such Rewards, and undertook the perpetrating thereof, and did actually go to the said Places for that end and purpose.*

4. *That the said Conspirators the better to compass their Trayterous Designs, have Consulted to Raise and have procured and raised Men, Money, Horses, Arms and Ammunition, and also have made Application to, and Treated and Corresponded with the Pope, his Cardinals, Nuncioes and Agents, and with other Forreign Ministers and Persons to raise and obtain Supplies of Men, Money, Arms and Ammunition, therewith to make, levy and raise War, Rebellion and Tumults within this Kingdom, and to Invade the same with Forreign Forces, and to surprize, seize, and destroy His Majesties Navy, Forts, Magazines and Places of Strength within this Kingdom, whereupon the Calamities of War, Murders of Innocent Subjects, Men, Women and Children, Burnings, Rapines, Devastations, and other dreadful Miseries and Mischiefs must inevitably have ensued to the ruine and destruction of this Nation.*

5. *And the said Conspirators have procured and accepted, and delivered out several Instruments, Commissions and Powers made and granted by, or under the Pope, or other Unlawful and Usurped Authority, to raise and dispose*

of Men, Moneys, Arms, and other things neceſſary for their wicked and trayterous Deſigns, and namely a Commiſſion for the ſaid Henry *Lord* Arundel *of* Wardour *to be Lord Chancellor of* England, *another Commiſſion to the ſaid* William *Earl of* Powis *to be Lord Treaſurer of* England, *another Commiſſion to the ſaid* John *Lord* Bellaſis *to be General of the Army to be raiſed, another Commiſſion to the ſaid* William *Lord* Petre *to be Lieutenant General of the ſaid Army, and a Power for the ſaid* William *Viſcount* Stafford *to be Paymaſter of the Army.*

6. *That in order to encourage themſelves in Proſecuting their ſaid wicked Plots, Conſpiracies and Treaſons, and to hide and hinder the Diſcovery of the ſame, and to ſecure themſelves from Juſtice and Puniſhment, the Conſpirators aforeſaid, their Complices and Confederates have uſed many wicked and diabolical Practices,* (viz.) *They did cauſe their Prieſts to Adminiſter to the ſaid Conſpirators an Oath of Secrecy together with their Sacrament, and alſo did cauſe their ſaid Prieſts upon Confeſſions to give their Abſolutions upon Condition that they ſhould conceal the ſaid Conſpiracy.*

And when about the Month of September *laſt Sir* Edmund-bury Godfrey *a Juſtice of Peace, had according to the Duty of his Oath and Office taken ſeveral Examinations and Informations concerning the ſaid Conſpiracy and Plot, the ſaid Conſpirators or ſome of them by Advice, Aſſent, Counſel and Inſtigation of the reſt, did incite and procure divers Perſons to lye in wait and purſue the ſaid Sir* Edmund-bury Godfrey *divers days, with intent to Murder him, which at laſt was perpetrated and effected by them,* (*for which ſaid horrid Crimes and Offences* Robert Green, Henry Berry, *and* Lawrence Hill *have ſince been Attainted, and* Dominick Kelly *and* Girald *and others are fled for the ſame*) *After which Murder, and before the Body was found, or the Murder known to any but the Complices therein, the ſaid Perſons falſly gave out, That he was alive and privately Married; And after the Body found, diſperſed a falſe and malitious Report, That he had Murdered himſelf.*

Which ſaid Murther was committed with deſign to ſtifle and ſuppreſs the Evidence he had taken and had knowledg of, and diſcourage and deter Magiſtrates and Others, from Acting in further Diſcovery of the ſaid Conſpiracy and Plot: For which end alſo, the ſaid Sir Edmund-bury Godfrey, *while he was alive, was by them, their Complicies and Favourers, threatned and diſcouraged in his proceedings about the ſame.*

7. *And of their further Malice, they have wickedly contrived, by many falſe Suggeſtions, to lay the Imputation and Guilt of the aforeſaid Horrid and Deteſtable Crimes upon the Proteſtants; that ſo thereby they might eſcape the Puniſhments they have Juſtly deſerved, and expoſe the Proteſtants to great Scandal, and ſubject them to Perſecution and Oppreſſion in all Kingdoms and Countreys, where the Romiſh Religion is received and profeſſed.*

All which Treaſons, Crimes and Offences above mentioned, were Contrived, Committed, Perpetrated, Acted and done by the ſaid William Earl of Powis, William *Viſcount* Stafford, William Lord Petre, Henry Lord Arundel of Wardour, *and* John Lord Bellaſis, *and other the Conſpirators aforeſaid, againſt our Sovereign Lord the KING, His Crown and Dignity, and againſt the Laws and Statutes of this Kingdom.*

Of all which Treaſons, Crimes and Offences, the Knights, Citizens and Burgeſſes in Parliament Aſſembled, do in the Name of themſelves, and of all the Commons of England, *Impeach the ſaid* William *Earl of* Powis, William *Viſcount* Stafford, William *Lord* Petre, Henry *Lord* Arundel *of* Wardour, *and* John *Lord* Bellaſis, *and every of them.*

And the ſaid Commons by proteſtation, ſaving to themſelves the liberty of exhibiting at any time hereafter, any other Accuſations or Impeachments, againſt

gainſt the ſaid William *Earl of* Powis, William *Viſcount* Stafford, William *Lord* Petre, Henry *Lord* Arundel *of* Wardour, *and* John *Lord* Bellaſis, *and every of them; And alſo of replying to the anſwers, which they, and every of them ſhall make to the Premiſſes, or any of them; or to any other Accuſation or Impeachment, which ſhall be by them Exhibited (as the cauſe according to Courſe and Proceedings of Parliament ſhall require) do pray that the ſaid* William *Earl of* Powis, William *Viſcount* Stafford, William *Lord* Petre, Henry *Lord* Arundel *of* Wardour, *and* John *Lord* Bellaſis, *and every of them, be put to Anſwer all, and every the Premiſſes; And that ſuch Proceedings Examinations, Trials and Judgments, may be upon them, and every of them, had and uſed, as ſhall be agreeable to Law and Juſtice, and Courſe of Parliament.*

The Humble Anſwer of William *Viſcount of* Stafford, *now Priſoner in His Majeſties* Tower *of* London, *To the Impeachment of High Treaſon, and other High Crimes and Miſdemeanors, Exhibited againſt him and others, to the Right Honorable the Lords Spiritual and Temporal in Parliament, by the Knights, Citizens and Burgeſſes, in Parliament Aſſembled, in the name of themſelves and of the Commons of* England.

THe ſaid *Viſcount*, ſaving to himſelf, all advantage and benefit of Exceptions to the generality, incertainty and inſufficiency of the ſaid Impeachment, moſt humbly beſeeching their Lordſhips thereof to take due Notice, and thereunto at all times, to have a juſt regard; He anſwereth and ſaith, That he is not Guilty of all, or any of the Offences charged againſt him by the ſaid Impeachment, and for his Trial humbly and willingly putteth himſelf upon his Peers: no ways doubting, but that by the Grace of God, and their Lordſhips impartial Juſtice, he ſhall make his Innocence appear. All which he moſt humbly ſubmitteth unto their Lordſhips further Conſideration.

Stafford.

Lord High Steward. Gentlemen of the Houſe of Commons be pleaſed to Proceed.

Then Mr. Serjeant *Maynard*, one of the Committee appointed to Manage the Evidence, began as followeth;

My Lords,

MAy it pleaſe your Lordſhips: By the Command of the Houſe of Commons, who have impoſed upon Us this Task, We are here to Proſecute this great Charge againſt the Priſoner, the Lord at the Bar. *My Lords*, There are two Parts that are in this great Charge, there is a General, which is the Subverſion of the whole Nation, the King Himſelf to be Murdered, the Proteſtant Religion to be Suppreſſed, War to be introduced, and thoſe other things that are expreſſed in the Articles. This General is charged in particular upon this Lord; And *My Lords*, it was in Conſideration how far it was fit to meddle with this General at this particular Trial. For if this Lord be guilty of ſuch Crimes, it will prove well enough that there was ſuch a Plot; but *My Lords*, withall We did conſider when the firſt Diſcovery of this Plot was made, how afterwards it took cold, how rumors were raiſed againſt it, how there were endeavours to ſuppreſs the belief of it, and therefore *My Lords*, We do conceive that it is fit we ſhould

ſhould firſt ſettle that, that there was a General Plot, a Plot of ſuch a Nature as the Articles expreſs.

Some objections we thought there might be raiſed, becauſe it hath been ſo long in the World, ſome years now ſince the Diſcovery of it, ſome Perſons, that is ſome ten or eleven Proſecuted and Attainted for it, and therefore that might have been ſatisfaction enough that ſuch a Plot there was; beſides, that, there have been publick Declarations of the Particulars of it to the World; But being now to Proceed before Your Lordſhips in a judicial way, We did think fit, and We hope Your Lordſhips will approve of it, to ſpend ſome time in the Proof of the General Plot, which We hope will be to the ſatisfaction of Your Lordſhips and the whole World; for We do not think that *England* only looks into this days Tryal, but the whole World one way or other, the whole Chriſtian World is concerned in it. *My Lords*, After the Publication of theſe things, (which were not Judicial) how far Your Lordſhips will believe them as Judges, we know not, we will Prove it now, that their Policies and Contrivances may be laid open to the World; And Firſt we offer it to Your Lordſhips, becauſe we have made it part of the Charge: And Secondly we ſhall do it, becauſe we think
NB. Your Lordſhips are not obliged to believe things that are in Print, till we Prove them by Witneſſes Judicially before You. But the main reaſon why we do it is, becauſe we would touch upon thoſe Endeavours that have been uſed to make this ſeem as if it were a kind of State Plot, I know not what to call it, a *Chimæra*, an Imagination, and not a Real thing. This they laboured many ways to effect, but we ſhall Prove that it is a very real and a very true one.

When that *Oats* firſt made a Diſcovery, it ſeems it had not that weight, that we think now it will clearly have with Your Lordſhips; and had not the Murder of Sir *Edmund-bury Godfrey* followed in the Neck of it, the World as it was aſleep would have lain ſo, but that awaked us.

My Lords, it fell out in this Caſe as it did in another, when *Cateline* the Traytor was a great way off *Rome*, and four other Lords with him, *Caſſius*, *Cethegus* and others, five in all, it came to paſs, that as the great Orator that
me in Latin was at that time ſaid, *Many were ſo ignorant that they would not think it, many were ſo unwiſe they would not believe it; ſome ſo ill that they would favour it; and ſome ſo much worſe that they did Foſter it: but all of them in not believing, it gave ſtrength to the Conſpiracy and the Treaſon.* And ſo it did here, for we look not upon our ſelves as diſcharg'd from the Treaſon when Diſcover'd, but when Prevented.

My Lords, another reaſon to induce us into the Proof of the Main Plot is this, We do not look upon it as a particular Offence, as if one Lord was only to be queſtioned and appear before your Lordſhips judicially for it; he is indeed only before you at this time to receive his Tryal, and your Judgment: But my Lords, This is a Treaſon of a Faction, and of a general Party in the Nation, 'tis not this or that Lord, but a great Number; 'tis not this or that Lord that is mentioned in the Articles, but the Conſpiracy is of a great Faction. This we do think, and this makes us ſo earneſt to preſs the general before your Lordſhips, that we may give ſatisfaction to your Lordſhips and the World what this Plot hath been, and how carried on every where.

My Lords, The Conſequence of that is very great; for *my Lords*, if there were a General Deſign, and a general Plot, as clearly there was, for ſome were to Act in *Spain*, and ſome in *France*, ſome in other Places, ſome in *Ireland*, *Scotland* and *England*; and a great Number of Jeſuits, (we have a matter of Thirty in Chaſe about this buſineſs:) I ſay *My Lords*, if it be ſo, if one Action be in one place, and another in another, yet if there be a

common

common Conſent to accompliſh this Plot, then what the one does, is the Act of All, and the Act of All, is the Act of every one.

My Lords, The Perſons were many, and the Places and Times many they Acted in, and the Deſigns which they were to accompliſh, and the means wherewith they were to accompliſh them were many too: Great, and Wicked were their Deſigns to Deſtroy our King, to take him out of the World; and why? upon hopes of better times to them under him that ſhould ſucceed him. Another part of the Deſign was, To deſtroy, not this or that Man that ſtood in their way, but the whole Body of the Proteſtants here in *England*; not a Murder, but a Maſſacre and a Slaughter of all whoſoever they were that came near them, and none were to eſcape, for if any meant to Flee, they would be ſure to cut them off; nay, not only to deſtroy our King, though that be the greateſt Offence that our Law can take hold off, but to deſtroy our Religion, and to deſtroy us, becauſe of our Religion.

To accompliſh this (that we may open the generals of it) Arms were to be provided, Men to be raiſed, an Army was formed in effect, and who to Lead, and who to Command, and who to Pay; But *my Lords*, Not only were Arms to be had here among our ſelves, but a *French* Aid muſt be fetch'd in, Aſſiſtance from *France* muſt come too, Intelligences and Letters are written, and Correſpondencies had, and Aids promiſed by the Miniſters from thence.

My Lords, 'Tis a ſtrange thing that *Engliſh*-men ſhould contrive to have an Invaſion of Strangers upon their own Country, and ſurely they are the worſt Biggots in the World that were ſo zealous to deſtroy their own Nation; and they were not wiſe ſure to think, that if the *French* did come in they ſhould continue great Lords or great Men, and yet thus it was in general; It is very ſtrange that it ſhould enter into the Heart of any Man to deſtroy ſo many Perſons: But *my Lords*, if we look upon what did incourage them, and what confirmed them in this Deſign, and what they have Publiſhed to the World about their Religion, we ſhall not wonder at it, ſince they tell us 'tis lawful to kill an Heretick King, and the King of *England* is an Heretick they ſay, and ſo declared, ſo that whoſoever would Kill Him did a lawful and a Pious piece of Service to God; Nay, not only ſo, but a Meritorious and Glorious one too, for which they may be Canonized for Saints.

My Lords, We find it is no new thing, Look into all the Nations where the Pope hath any Power, or a poſſibility of hope to gain a Power, nothing hath been able to ſtand in their way, but they have broken through all the Bonds of nature, and other Obligations to attain their ends. Look into *Spain*, King *Philip* there removed his own Son, by what means the Story tells us, he was Heir apparent, but he was a Proteſtant: and there alſo the Father puts fire to his own Daughter becauſe ſhe was a Proteſtant, there a *Spaniard* goes from *Spain* into *Germany* to Murder, and did Murder his Brother for no other cauſe but becauſe he was a Proteſtant. Leave *Spain* and go into *France*, what Maſſacres have been Committed there under the color of a Marriage in Queen *Elizabeth*'s time, and before that how many hundred *Albingenſes* and *Waldenſes* have been put to the Sword for Religion. Come we to our own Country, and look into *England* what hath been done here, when Queen *Eliz.* had a Succeſſor of another Religion, how many Attempts were there made upon her Perſon to bring that Succeſſor in? When King *James* came to the Crown let us remember the *Gunpowder Treaſon*, wherein all the Nation was to be deſtroyed, King, Lords, and Commons together, and in Parliament Aſſembled were then to be a Sacrifice, a Burnt-offering, though they might call it a Peace-Offering: for theſe Gentlemen

 are

are for Sacrifices of Blood as Peace-Offerings, to reconcile us to the Pope. If this be made out, we think, their principles having produced these fruits in other Ages we may believe they would do so now.

What has been said as History of Former times is not offered as evidence of Fact to the present Case, but induces a probability that what hath been done by such persons may be done by them again. But *my Lords*, we shall make it clear, and bring it home to this Lord, that he hath had his Head, his Tongue, his Hand, his Heart, and his Purse, in this damnable and horrible Contrivance and Treason for the destroying of the King, the Government, our Religion, and our Nation. We shall bring it home to him; But my part is only to open the general Conspiracy. And indeed *my Lords*, it is an heavy burden on my Aged Shoulders, considering that the Winter of Infirmity and Age is growing so fast upon me.

My Lords, the particulars concerning this Noble Lord, because the Credit of it rests on the Testimony only of one man, *viz.* Mr. *Oates*, whose Testimony being taken by Sir *Edmund-bury Godfrey* a Justice of Peace, and kept in writing by him, then Sir *Edmund-bury Godfrey* was way-laid, and Murdered by men of the Popish Religion, thereby to suppress the Examination that he had taken.

This startled and opened the eyes of the world to look about us for farther Discovery, lest we should be led as *Oxen to the slaughter not knowing whither we went.*

Afterward it pleased God to bring some of your own Religion and party to make farther Discovery. Whereupon several Jesuits Guilty of the Plot were therefore Prosecuted and brought to Judgment and Death.

After the Murder of *Godfrey* several Fables were spread abroad, as if he were alive and Married, as was declared to several Lords, others of the party Reported he had Murdered himself; but his Body being found, it was hard for the party to invent or tell, whether he first strangled himself, and then run himself through, or first run himself through, and then strangled himself; that was a *Dilemma* to disprove their Fables touching *Godfrey*'s Murder.

It then fell out, that Mr. *Bedlow* came as a second Discoverer, whose Testimony Concurred with *Oates*. And then there being two Witnesses, as is necessary in Case of Treason, the Design was to take off *Bedlow* that there should remain but one, a single Witness. In order to which *Reading* tempts *Bedlow* with Rewards to lessen his former Testimony, and qualifies that which he had deposed positively was but matter of hear say; For which *Reading* the Instrument in that Design and Attempt, was Indicted and Convicted by three Witnesses, and suffered accordingly.

But then this Attempt upon *Bedlow* failing, the next Attempt was to take off *Oates* his Testimony, by charging him with an Infamous Offence; for which purpose one *Knox* is imployed, who Suborns *Lane* and *Osborn*, and they Swore it against *Oates*. But on Re-examination Confess the Subornation and Falshood of their Design: and *Knox* and *Lane* are therefore Indicted and found Guilty.

Thus when the Treason was discovered, the Murder of an Officer of Justice is made the means to hide it, and then False and Infamous stories set on Foot of that Officer to hide that Murder; and Perjury and Subornation the means to blast the Discoverers.

These wicked and ill practices we take to be a second reproof of the Plot both in general and particular, the Records of which Convictions are here before your Lordships ready to be proved. For *Cui bono?* none would do such wicked practices but to hide a greater Sin and worse Designs If possible will be opened, and proved by one to whom that is particularly appointed.

My

My Lords, we ſpeak this that the world may receive Satisfaction we will let our Evidence be all open and publick in the face of the ſun, and ſhew, we go not about by private Subornations, though there are endeavours to encounter us by ſuch.

My Lords, If we make out theſe things, here is Matter enough for the Satisfaction of the World as to the general Contrivance; But *My Lords*, As you ſit here as Judges of this Lord, the Priſoner at the Bar, we muſt bring it down to particular Perſons, and we ſhall do it even to him that thoſe things which were mentioned in General were his Contrivance at leaſt-wiſe, as a man highly, deeply guilty of Conſpiring the Kings Death, and in order to that, of raiſing an Army, and the other things that have been opened.

My Lords, I beſeech you to pardon me if I have troubled you too long; The Particulars were many, and I have had little help to prepare it from any body but my ſelf, but I ſubmit my ſelf to Your Lordſhips, and hope that what is wanting in me will be ſupplyed by others that follow; And I alſo hope you will find no defect in our Evidence at all, whatſoever may have been in the opening of it.

Then Sir Francis Winnington *another of the Committee appointed for the Management of the Evidence, began as followeth*;

My Lords,

I Shall begin where Mr. Serjeant *Maynard* ended, and confine my ſelf to this Caſe as it ſtands before you, and to open the particular Evidence relating to the Lord, the now Priſoner at the Bar.

My Lords, I look upon the Cauſe of this day to be the Cauſe of the Proteſtant Religion, and I doubt not but that Plot which has alarm'd all Chriſtendom, will be ſo clearly made out in this Tryal, that the moſt malicious of our Enemies will henceforth want Confidence to deny it.

That the Religion of the *Papiſts* does Countenance and Encourage the Murdering of Princes, the Maſſacring of ſuch as they miſcall Hereticks, and the Committing of all ſorts of Impiety in order to promote their Superſtitions, and Idolatries, has been mentioned by the Gentleman who ſpoke before me, and I ſhould miſpend time to ſay more of a truth ſo well known in ſo great and ſo learned a Preſence. I will therefore directly apply my ſelf to the Buſineſs of the day, to Repreſent to your Lordſhips our Evidence of the Plot in general, and of the guilt of this Lord at the Bar in particular.

In order to which, I ſhall crave your Lordſhips leave that I may uſe this method;

Firſt, To ſhew what advantageous opportunities the *Papiſts* had to enter into, and undertake this great and deteſtable Conſpiracy.

Secondly, To prove the reality of the Plot in general, which I look upon as a very eaſie undertaking.

Thirdly, To State the particular Evidence againſt the Priſoner at the Bar, by which he will appear to have been one of the principal Conſpirators in this horrid Deſign, to Murder our Soveraign, (whom God preſerve) to Extirpate the *Proteſtant* Religion, and to Subvert totally the Government and Fundamental Laws of this Kingdom.

My Lords, To ſhew what Extraordinary Advantages the *Papiſts* had to enter

enter upon this Conſpiracy, will very naturally lead us into our Proof of it, and therefore I ſhall ſpeak ſomewhat to that in the firſt place. It is not unknown to your Lordſhips, or to any others who have in the leaſt degree inquired into Affairs, that his Majeſty has been ſo unhappy as that (unawares to him) ſome Miniſters who have been *Papiſts* at the Bottom, and others that have drove on their Intereſt, have crept into his Councils, and thereby gave great opportunities to advance *Popery*.

'Tis moſt true, that as ſoon as theſe ill Miniſters were detected, and their ill Deſigns diſcovered, His Majeſty did diſcharge them. But to the Misfortune of the King and his People, as ill men have been recommended to ſucceed them, and came into their places.

In the next place, *My Lords*, There did appear in ſome men too eaſie and favourable a diſpoſition towards the *Papiſts*. They were grown ſtrangely moderate towards theſe old Enemies of our Church and State. New Projects of Reconciling of us were ſet on foot, and Books were written to diſtinguiſh the Church of *Rome* from the Court of *Rome*. One of thoſe Books, which was Printed the year before the diſcovery of the Plot, pretends, That there ought to be a difference made between *Papiſts* of Loyal and Diſloyal Principles. This Book as it was written more Artificially than the reſt, and Publiſhed in ſo Critical and dangerous a Juncture, deſerves, and I doubt not in time will have, a particular Conſideration. 'Tis eaſie to believe how great Encouragement this muſt give to the *Romaniſts*, to ſee how very willing men were to meet them, and how freely the Pen was drawn in their favour.

Another great Encouragement, *My Lords*, which the *Papiſts* had, was, That by the means of thoſe Miniſters who were ſecretly of their Faction, whenſoever His Majeſty was pleaſed to command the Laws made againſt them in the Reign of Queen *Elizabeth* and King *James*, to be put in due Execution, his good Intentions were fruſtrated, and the ſeverity of thoſe Laws was turned upon the *Proteſtant* Diſſenters. This was a Maſterpiece of *Rome*, not only to divert from themſelves the edge of thoſe Laws which were deſigned againſt them; but to turn them upon the *Proteſtants*, and to make them uſeful to advance the *Romiſh* Intereſt. And when they had thus divided and diſtracted us, then was the faireſt time for them to attempt to deſtroy us utterly, and to make ſharp their Weapons in order to a Maſſacre.

But, *My Lords*, That which gave the *Papiſts* the greateſt Encouragement to enter into this deteſtable Conſpiracy, was, that they had (to the great Unhappineſs of this Kingdom and the *Proteſtant* Religion) the Expectation and hopes of a *Popiſh* Succeſſor. This was an opportunity not to be loſt. They had abundant Experience of His Majeſties firmneſs in the *Proteſtant* Religion, both during his Exile and ſince his happy Reſtauration, and how reſolutely he had kept that Promiſe which he made in his Letter from *Breda*, That neither the Unkindneſs of ſome *Proteſtants*, nor the Civilities of ſome *Papiſts* ſhould in the leaſt degree ſtartle him, or make him ſwerve from his Religion.

They therefore could have no hopes of arriving at their Point, the Reeſtabliſhment of their Church, whilſt the King liv'd; and it was too great a hazard to expect His Majeſties Death by the Courſe of Nature: And therefore, like true *Papiſts* that would ſtick at no wickedneſs to accompliſh their Deſigns, they threw off all Bonds of Loyalty and Allegiance, and reſolved to deſtroy our Soveraign, whoſe life was the only Obſtacle in their way. This was the laſt and moſt wicked part of their Plot, which though it conſiſted of very many Parts, yet this was the Principal; and our Evidence againſt the Lord at the Bar will chiefly run to this part of the Deſign.

I have

I have only mentioned ſome of thoſe Encouragements which the World plainly ſaw the *Papiſts* had, before the Plot was detected: But ſince the Diſcovery, it has been abundantly prov'd, that it had been carrying on for many years, and that ſo univerſally, that it is a wonderful thing it appeared no ſooner.

My Lords, I come now to our Evidence; and though it may ſeem unneceſſary to Prove to your Lordſhips a general Plot of the *Papiſts*, who are ſo well ſatisfied of it already, and have more than once declared ſo to the World; Yet becauſe it is the moſt natural Method for us, firſt to prove that there was a Conſpiracy, before we attempt to prove this Lord to have been one of the Conſpirators, we ſhall beg your leave as to that particular; and as we ſhall be careful not to take up too much of your time, ſo we well know your Lordſhip will allow us all the time neceſſary to give our Evidence.

We have many Records, things reduced to Judgment, whereby the Plot is moſt undoubtedly proved, and which are legal Evidences before your Lordſhips. The Attainders of ſeveral Jeſuits and Prieſts, the Attainder of *Langhorn* and of *Colman*, whom I ſhould have named in the firſt place. We have alſo the Conviction of thoſe that were proſecuted for the Murder of Sir *Edmund-bury Godfrey*, and there is a Conviction, Though not for Murder, yet for cutting the throat of Mr. *Arnold*. 'Tis true he is not dead, yet, as to the publick, I count him Murdered by the Papiſts, though he be alive in the world. *My Lords*, we have Convictions not only of Treaſons, Murders, and cutting of Throats, but of almoſt all other Villanies whatſoever. As of Attempts to Suborn Witneſſes, and to Scandalize the Kings Evidence; and to that we ſhall produce the Record concerning *Readings* attempt upon *Bedlow*; that concerning the Suborning of *Knox* and *Lane* to Swear Buggery againſt Dr. *Oates*: and the Conviction of *Taſborough* and *Price* to corrupt *Dugdale*, a principal Witneſs as to this Plot. p. 10.

I only mention theſe particulars, *my Lords*, and certainly as you are a great Court of Record you will take notice of them. It would be a hard thing perhaps to ſpend the time in reading all, ſince all of them are made known to the world already, but we ſhall in the Courſe of our Evidence produce them, and you may read ſuch of them as you pleaſe. All the uſe we make of them is for the proof of the general Plot, which is requiſite to be done, for it will be hard to believe the Priſoner Guilty of the Plot, if there were no ſuch Plot at all.

My Lords, we ſhall make appear to you things which have not yet been brought into judgment. In the year (76.) we ſhall prove by a Witneſs that was then abroad, and diſcourſed with *Anderton*, *Campion*, *Green*, and ſeveral other Prieſts and Jeſuits, that they did acquaint him that there would be great alteration in *England* ere long, that the King was a Heretick and Excommunicated, and might be deſtroyed; and this Doctrine they continually and induſtriouſly Preached. And they further ſaid, If once the King were removed, (who alone ſtood in the way) their Religion muſt needs flouriſh; for this Reaſon, (as the Witneſſes will ſpeak) that the Duke of *York* was on their ſide. D. of York

My Lords, We ſhall prove, that they had in *England* men no leſs induſtrious amongſt them, ſome whereof have been Executed; *Gavan* by name, who made it his buſineſs to go up and down in ſeveral Counties of this Kingdom, to prove by Scripture, Councils, and Examples, That it was a lawful undertaking to kill His Majeſty. Theſe things I name, as neceſſary in order to introduce our particular Evidence, I am unwilling to dwell longer upon this point of the general Plot. I ſhall produce the Records, and produce our ſeveral Witneſſes, Mr. *Oats* and others that will give you a full and plain Account of it.

My Lords, Having done with the general Plot, I come now to open the particular Evidence againſt my Lord, the Priſoner at the Bar. As to him, *My Lords*, Our Evidence ſtands not upon Conjectures, or upon meer Probability, becauſe this Lord is (as we well know) a Zealous *Papiſt*, and hath owned himſelf ſo, but we have expreſs particular Proofs againſt his Perſon. *My Lords*, VVe have one Witneſs to produce to your Lordſhips, who will prove, that in *September* (78.) there was a Conſult of ſome Prieſts and other Conſpirators at *Tixal* in *Staffordſhire*, my Lord *Aſton*'s Houſe, for killing of the King, where my Lord *Stafford* was preſent. And by a Diſcourſe in the ſame month, we ſhall prove what reaſons this Lord did give, why he and their Party undertook the murdering of the King, becauſe, he ſaid, That he and many Catholick Families had no Recompence for their Loyalty, but if any thing fell, it was diſpoſed of to Rebels and Traytors. This he reſented deeply; but above all, the obligation of his Conſcience and of his Religion perſuaded him to it, and confirmed him in his reſolution to go on in this Horrid Deſign.

My Lords, We will go further, and prove that this Lord offered 500 *l.* out of his own Purſe to carry on the Plot, and particularly this part of it for killing the King. We ſhall produce to your Lordſhips a Witneſs to whom he made this offer as looking upon him to be a faithful man, and having received ſo great a Character of him from one *Evers* a Prieſt, that he thought he might ſafely communicate the matter to him, and the Argument he urged to perſuade the Witneſs, beſides the 500 *l.* which he ſaid upon his application to *Harcourt* and *Ireland* they ſhould pay him, was this, that others as well as he were employed in the ſame Deſign, that it was the only way to Eſtabliſh the *Romiſh* Religion in *England*, that he would lay an everlaſting obligation upon all the Perſons of that Perſuaſion, and that he ſhould not only have his Pardon, but be Canonized for it.

My Lords, This is the ſubſtance of the Teſtimony of the firſt VVitneſs which we ſhall produce againſt my Lord *Stafford*, and that is ſo expreſs as I think it can hardly be anſwered.

My Lords, Our next VVitneſs ſays thus; (for I ſhall but open the ſubſtance of what they ſay) In *June* or *July* 1678. there were ſeveral Letters from this Lord at the Bar, to the Jeſuits in *London*, in which his Lordſhip did declare, his readineſs to ſerve them in their great Deſign; And in *June* (78.) the latter end of the month, my Lord *Stafford* came to Mr. *Fenwicks* Chamber in *Drury-Lane*, (he went not then by the name of my Lord *Stafford*, but by the name of Mr. *Howard* of *Effingham*) and there he did receive a Commiſſion from *Fenwick* to be Paymaſter-General of the Army which was to be raiſed for the carrying on the Plot. His Lordſhip told them he was then going into the Country, but he hoped he ſhould ſoon hear from them, that they had done the buſineſs, at leaſt, that it would be done before his Lordſhip did return. To which *Fenwick* made anſwer; Your Lordſhip muſt look after the buſineſs as well as other Perſons, and there will be need of ſome to Countenance it in Town; thereupon the Lord, the Priſoner at the Bar, ſaid, That they had been often deceived by this Prince and been patient with him, but they would bear no longer, but were now reſolved to do the VVork without delay, for their patience was worn out. Several other particular Circumſtances the VVitneſs will acquaint your Lordſhips withal, which I ſhall not take up your time with.

My Lords, We have a third Witneſs as conſiderable and particular as any of the reſt, one that lived three years in the Lady *Powis* Houſe, had his

his Education there, and was perſuaded by that Lady and by one *Morgan* a Jeſuit to become a Fryer, and to that end was ſent to *Doway*; But not liking to continue at *Doway*, (he will tell you the reaſon why) he eſcaped to *France*, and at *Paris* came to his Brother, a Benedictine Monk there, who adviſed him to go for *England*. But whilſt he ſtaid at *Paris*, this Gentleman, by the means of his Brother and other Prieſts, grew into a great familiarity with my Lord *Stafford*, who was then in *France*, and who at laſt came to have ſuch a great Confidence in him, that his Lordſhip could not hold, but told him, that though he had diſobliged all his Friends by his going away from *Doway*, yet he had ſomething to propoſe to him which would be a means to reconcile him to his Friends, and bring him into preferment, and into the friendſhip of all good Catholicks, whom he would oblige by it. The Gentleman was willing to embrace ſo happy an opportunity, and deſired to know what it was, could procure him ſo great a good; My Lord *Stafford*, the Priſoner at the Bar, told him, It was a thing of very great Importance, and, after having required from him all poſſible obligations of Secrecy, he told him plainly what great benefits would accrew to himſelf, and what advantage to the Catholick Cauſe, if he would make himſelf and the Nation happy by undertaking to Kill the King of *England*, who was an Heretick and conſequently a Rebel to God Almighty. My Lord *Stafford* did believe the Witneſs did embrace this propoſal warmly, and therefore directed him to prepare to go for *England*, and to go before hand from *Paris* to *Deep*, where he would meet him, and go over with him. But it ſeems my Lord *Stafford* met with ſome diverſion, for he did not keep his word with him in coming, and ſo this Gentleman, being diſappointed, went over without him; but fearing to be called upon to the ſame Service, he returned back again ſuddenly, and went into the *French* Army. *NB.*

My Lords, We ſhall produce theſe Witneſſes againſt the Lord at the Bar, and when they have proved to your Lordſhips what I have opened, any one, who was not acquainted with the *Popiſh* Party, would believe they would be at a loſs how to acquit themſelves from this Charge. All manner of foul and indirect practices have been uſed by them to Terrifie, to Corrupt and to Scandalize our Witneſſes; all manner of Objections have been made to our Evidence. If the Witneſs does not come up to ſpeak directly to every Point, we are told, he ſays nothing at all; if he ſpeaks directly, they cry, he is not to be believed. Thus they have a ready Anſwer to every Witneſs that has been, or ever ſhall be produced, either that he ſays nothing Material, or that nothing that he ſays ought to have any Credit. *NB*

But we doubt not, by this Tryal before your Lordſhips, if we cannot ſtop their mouths, at leaſt to convince all the World beſides, of the reality of this Plot.

It will be no wonder if their Confidence goes on ſtill to frame Cavils, They are us'd to ſcandalize the Government, and they cannot give it over. How often has His Majeſty under his Great Seal, Publiſhed and Declared this Conſpiracy? How often has he preſs'd His Parliaments to go on to bring the Conſpirators to Puniſhment, and at the opening of this very Parliament, he ſays plainly, That he does not believe himſelf ſafe from their Deſigns. Your Lordſhips alſo have Voted the unqueſtionable Truth of the Plot, and ſo have the Commons; yet theſe men are ſo hardy, as ſtill to deny the plaineſt Truth ſo confirm'd as this has been.

Nay

Nay, *My Lords*, Their Malice goes yet farther, for they have been ſo Bold as to whiſper up and down, and induſtriouſly to ſpread Reports, before the Tryal, as if this Lord at the Bar, and the reſt who are Impeached ſhould certainly be acquitted. We do hope to be able to detect the Authors of this great Scandal, and the Commons doubt not of your Lordſhips Concurrence to aſſiſt them in bringing them to their deſerved Puniſhment. This is ſure, the firſt time that ever any ſort of men preſumed to Reflect upon the Juſtice of this High and Noble Court. Your Anceſtors, *My Lords*, did by their Honour, Courage, and Juſtice, preſerve our Anceſtors: The advantage of which, We, who are deſcended from them, do now enjoy, and VVe ſhall never have occaſion to doubt in the leaſt, but that your Lordſhips will tread in their ſteps. You have in your hands a great Opportunity to make your Zeal for Truth, and for the *Proteſtant* Religion famous to Poſterity. No Artifice or Malice can Create the leaſt Jealouſie in us, that ever your Lordſhips ſhould ſhew any Partiality or Injuſtice to the Commons of *England*. To your Judgment this Cauſe is ſubmitted, and when we have your Judgment, we doubt not but we ſhall drive *Popery* out of this *Engliſh* VVorld.

My Lords, VVe ſhall go on to the proof of our Cauſe, and I hope this will be a happy day to us and the whole *Proteſtant* Intereſt.

Then Mr. Treby *alſo one of the Committee appointed for the Management of the Evidence, began as followeth;*

My Lords,

THeſe two learned Gentlemen have fully diſcharged their Province.

I ſhall proceed to call our VVitneſſes to give their Teſtimony.

But before we produce them, your Lordſhips will be pleaſed to take notice, that our Evidence will conſiſt of *Two* Parts; *general* and *particular*; the *general*, to ſhew the *Univerſal Conſpiracy*; the *particular*, to ſhew what *ſpecial* part this Noble Lord, the Priſoner at the Bar had in it.

And though in the *firſt* part my Lord *Stafford* may not be particularly nam'd, yet that Evidence will be pertinent and proper for us to give, in *this* Tryal of my Lord *Stafford*; for, we Charge him not with the *Private* Treaſon wherein he with his immediate Complices only might be concerned, but it is a Treaſon of the *Popiſh Faction*, or at leaſt, the *Principal* and Active *Papiſts*.

We lay it in our Articles of Impeachment, That there was an *Execrable Plot contrived and carried on by Papiſts*, and that the Conſpirators acted diverſe Parts, and in diverſe places *beyond Sea, as well as here*. It was a Treaſon that did beſtride *two* Lands, *England* indeed was the thing aimed at; the deſtruction of the Religion, Government and Liberty of *England* was the *End*; but the *Means* and *Inſtruments* were not Collected *here* only, but part of them were to be brought in from *abroad*.

This is an Enterprize too extenſive to be *intirely* manag'd by a *Single* Nobleman, And though we look upon my Lord *Stafford* as a great *Malefactor*, yet we cannot think him ſo great a *Man* as to be able within his own Sphere to compaſs this whole Deſign.

Should

Should we not take this courſe of Evidence firſt to prove the General Plot, it might be a great and juſt objection in my Lords mouth to ſay, *You charge me with a deſign of ſubverting the Kingdom, how is that poſſible to be undertaken by me, and thoſe I have had opportunity to converſe and confederate with? a mighty part of the Catholick World had need be engaged for ſuch a purpoſe.*

My Lords, If this would be a material Objection from this Lord, then will it be requiſite for us to obviate and prevent the Objection by ſhewing firſt, that there was ſuch a grand and univerſal deſign of Papiſts, in which this Lord was to cooperate for his diſtinct ſhare; though perhaps when we deſcend to our particular Evidence it will appear, that his part hath been great, and manag'd with malice as great as any.

My Lords, We ſhall begin with a Witneſs, a Gentleman whoſe Education has given him the opportunity of knowing the inſide of their affairs, and we preſume he will give you a ſatisfactory account, his name is Mr. *John Smith.*

Lord High Steward. What do you call him to, Gentlemen?

Mr. *Treby.* To the General Plot, my Lords.

Lord *Stafford.* May it pleaſe your Lordſhips, I know not who he is, nor his name, I humbly beſeech your Lordſhips that this Witneſs, who ever he be, and all the reſt that have any thing to witneſs againſt me, may look upon me face to face, according to the words of the Statute. I humbly beſeech your Lordſhips to grant me this, which I take to be according to Law; and that each may give his Evidence alone, and that both againſt me and for me, one may not know what the other ſayes.

Lord High Steward. My Lord, You ſhall have all the fair proceeding that can be.

Lord *Stafford.* The Law ſayes, my Accuſers muſt look me face to face. I deſire to have the words read.

Lord High Steward. Your Lordſhip may ſee him there where he ſtands up.

Then Mr. *Smith* turned, and looked upon my Lord *Stafford.*

Lord *Stafford.* I do ſee him, but I do not know him.

Lord High Steward. Swear him.

Clerk. The Evidence that you ſhall give in the Tryal of *William* Viſcount *Stafford*, ſhall be the truth, the whole truth, and nothing but the truth, ſo help you God, and the Contents of this Book.

Lord High Steward. Your Lordſhip obſerves he is not brought as a particular Witneſs againſt your Lordſhip, but to prove the general deſign of your Party.

Lord *Stafford.* 'Tis ſtill concerning me.

Lord High Steward. Look upon my Lord *Stafford* (which he did) and now tell your Evidence.

Mr. *Treby.* This is Mr. *Smith*, my Lords. And that which we would examine this Witneſs to, is the general deſign of the Plot, what knowledge he hath had of it here or beyond Sea, the Gentleman is able to underſtand the general Queſtion.

Mr. *Smith.* My Lords, I remember very well, when I went firſt into *France*, I came acquainted with Abbot *Montague*, Father *Gaſcoyn*, and ſeveral other Popiſh Prieſts and Jeſuits, who often diſcourſed with me, and told me, if I would make my ſelf a Catholick I ſhould have an Employment amongſt them there, and afterwards in *England*, for they did not doubt but the Popiſh Religion would come in very ſoon; upon which I asked his Lordſhip the Abbot one day, what reaſon he had to believe it? he told me two reaſons; firſt, that they did not doubt but to procure a toleration of Religion, by which they ſhould bring it in without noiſe; and ſecondly, that the Gentry that went abroad did obſerve the novelty of their own Religion, and the Antiquity

Toleration.

of theirs, and the advantages that were to be had by it. Theſe Reaſons Abbot *Montague* gave me. There was one Father *Bennet* and others, that told me the chief reaſon was, their party was very ſtrong in *England*, and in a few Years they would bring it in right or wrong. All this would not prevail with me to turn Papiſt, and I lived among them ſeveral Years. At laſt I had a deſign to go to *Rome*, and as I went I had a deſign to go to *Provence*, (and ſo into *Italy*) where there was one Cardinal *Grimaldi* coming through the Town, and the Jeſuits having a great School there, I was curious to go to the School, and they were very deſirous I ſhould tarry for ſome time in the Town; I did, and they made much of me, and told me much to the ſame ſubſtance, what aſſurances they had of their Religion coming into *England*. At laſt they had a deſire I ſhould diſcourſe with the Cardinal, which I did, and he made much of me, and he it was that perverted me to the Romiſh Religion; upon this the Cardinal ſhewed me a pair of Hangings that were in his Houſe, which he ſaid did belong to the Queen Mother, and were bought in *Paris*, and he told me he was acquainted with many of the Nobility in *England*, and that he had great aſſurance the Popiſh Religion would prevail, and he told me there was but one in the way, and though that man was a good natured man, yet they could not ſo far prevail upon him, but that to accompliſh their deſigns they muſt take him out of the way; but at laſt I left this place and went to *Rome*, where I lived ſome Years in the Engliſh Jeſuits Colledge there, and when I had lived there five Years, I came to be Prefect of ſeveral rooms there which are the Scholars Lodgings and places of Study. I have heard it there often diſputed in their own Colledge, both Preach'd and privately exhorted, that the King of *England* was an Heretick, and that there was no King really reigning, and who ever took him out of the way would do a meritorious action.

Lord High Steward. Who was that that ſaid ſo?

Mr. *Treby.* Name the perſons.

Mr. *Smith.* Father *Anderton*, Rector of the College, who was a very good Scholar, Father *Mumford*, and one Father *Campion*, but chiefly one Father *Southwell*, one of the chief of the Jeſuits. And I doubting of the truth of that Opinion, they did ſhew me ſeveral of their Books there, and directed me to ſome paſſages of *Mariana*, *Vaſquez* and *Bellarmine*, which I have ſince publiſhed to the world, wherein they did aſſert it as a true Doctrine, and as Chriſtian Doctrine, what the Fathers told me; and this was never condemned at *Rome*. Beſides, my Lords, when I was coming from *Rome*, with my Faculty and Licenſe ſigned by Cardinal *Barberino*, who generally conducts, or cauſes to be conducted all Papiſts to take their leave of the Pope; and before we came away (for there were five or ſix of us together) for a whole Month theſe Fathers were exhorting us, That we were not obliged to obey the King of *England*, and that in all private Confeſſions we were to inſtruct all perſons that we thought were capable of any deſign, That they ſhould uſe all their endeavours for promoting the Popiſh Religion. I coming into *England*, made my application to Dr. *Perrott*, who belonged to the *Portugal* Ambaſſador, and was chief of the Popiſh Clergy in *England*: I was kept there ſome months, to ſay Maſs in his Chappel; and afterwards I was ſent into the North (where there were abundance of Jeſuits and Fryers) to one Mr. *Jeniſon's* Houſe, where knowing the principles of theſe people, I made it my buſineſs to rout theſe Jeſuits away, eſpecially out of Mr. *Jeniſon's* Houſe, who had a Kinſman of his own that was a Jeſuit, and uſed to ſerve him in his Houſe, and great complaint was made againſt me; and there was one Mr. *Smith*, otherwiſe *Serjeant* in the North, who gave me intimation of it; and to whom I wrote to ſatisfie him and the Clergy, of the grounds and reaſons why I routed them away;

away; which if he be in *England* now, he can juſtifie. Upon this, I received a ſmart Letter, as a kind of a Reprimand for my doing ſo; and he told me, That though they did agree with me in Doctrine, yet they would endeavour what they could to bring in the Popiſh Religion. And taxed me ſharply for appearing againſt it. I told him how the Jeſuits perverted the Duke of *York*; and that by that means they would be the chief men in *England*, though there were none of their Order till Queen *Elizabeths* time. Beſides, *My Lords*, in *Rome* I ſaw *Colman*'s Letters, and read them once a month, as I believe; wherein he gave us intelligence of ſeveral paſſages that happened in Court; how the Duke, and the Queen, and the chief of the Nobility were of their ſide; how they carried matters ſeveral times; the ways my Lord *Clifford* did uſe, and Sir *William Godolphin*, to effect the work; and that they did not queſtion but they ſhould get my Lord Treaſurer *Danby* on their ſide too. This was in *Colman*'s Letters, and he had ſo much allowance for his Intelligence. Theſe Letters of his I read ſeveral times in the College. *My Lords*, afterwards when I came from *Rome*, I ſaw Abbot *Montague* again, and he ſaid, he was very glad to ſee me, and that I was a Prieſt; well but ſaid I, what am I the better? where is the Employment you promiſed me when I ſhould come into *England*? He told me I ſhould have it very ſoon, and he was glad that I had not made my ſelf a Jeſuit; and he recommended me to Dr. *Goffe*, Confeſſor to the Queen Mother; who ſaid, he would do any thing in the world for me, and he did not doubt but he ſhould get a preferment for me; which Dr. *Goffe* is now living. Truly when I came into *England* I found all the Popiſh Clergy of *England*, that I diſcourſed with, of the ſame opinion, that they did not doubt but the Romiſh Religion would ſoon come in. And beſides, in the North there was gathering of Money, in which I was ordered to be one of the chief men; but I was againſt it: I told them I would do nothing in it, I thought it was illegal to ſend any Money beyond Sea: They told me it was charity only to repair the College at *Doway*: I told them it was ſtrange that there ſhould be ſo much Money raiſed only to repair one College which would ſerve three or four Colleges; and I perſwaded Mr. *Jenifon* and all other perſons I had to do with, not to meddle with it. As to this raiſing of the Money, I conceive it may be inferr'd, it was for ſome other private buſineſs; and I believe, was for the carrying on the deſign. As for the Gentleman at the Bar, my Lord *Stafford*, I know nothing of my own particular knowledge, but only this, There was one *Thomas Smith*, Sir *Edward Smith*'s Brother, that lived at a place not far off the place where I lived, who was one that contributed in paying the Money that was then Collecting: he was the man that writ a Letter up to my Lord *Stafford*, to complain of two or three Juſtices of the Peace that were active againſt Popery, upon which there was one that was turned out, that I think is now of the Honourable Houſe of Commons ——

Mr. *Treby*. Name him.

Mr. *Smith*. Sir *Henry Calverley*. The other was not turned out. So I asked *Smith*, when I was lately in the Country, about it, for I heard a rumor, that there was a Letter of this Mr. *Smiths* found in my Lord *Staffords* Chamber, and I was told it by a Parliament Man, one Collonel *Tempeſt*: So ſaid I to him, now you will be concerned in the Plot. No ſaid he, I care not for that Letter, it will ſignifie nothing; for my Lord won't keep by him any thing of any moment. I asked him what he knew about my Lord; he told me he writ another Letter to my Lord to know whether he would make a conveyance of his Eſtate away, and whether he apprehended they were in danger: And he told me, his Lordſhips anſwer was, That ſeveral did ſo, but he would not, for he expected ſome ſudden change or alteration:

ration: I asked him what change or alteration he underſtood by it. Sir, ſaid he, what can be underſtood by it, but an alteration of the Government and Religion? I am ſure ſaid he, my Lord is ſo wiſe a Man, that he would not write ſo without ſome ground. This is all I can ſay to the Gentleman at the Bar, and this is true by the Oath I have taken.

Mr. *Treby*. My Lords, I did obſerve Mr. *Smith* in the beginning of his Teſtimony (ſpeaking of the Diſcourſe he had at *Rome*) ſaid, they told him there was one in the way; I preſume 'tis not uneaſy to conjecture who was that one.

Lord High Steward. It was ſurely the King.

Mr. *Treby*. But we would rather have it explained by him himſelf.

Mr. *Smith*. Father *Anderton*, and Father *Southwell*, did ſay that the King was a good man, but he was not for their turn, and he was the only man that ſtood in the way.

Mr. *Treby*. Did they name the King?

Mr. *Smith*. Yes, it was the common Diſcourſe all over the Country.

Mr. *Treby*. My Lords, I deſire Mr. *Smith* in the next place may give an account of the methods they were to uſe to accompliſh this deſign; the firing of the City, and the reſt.

Mr. *Smith*. As to the burning of *London* I heard nothing beyond Seas at all but this, it was diſcourſed that the Papiſts did it, and the like, but they denied it, and they ſaid it came accidentally in a Bakers Houſe; but this I have often heard them ſay, that it was no great matter if it had been all burnt.

Lord High Steward. Will you ask him any more Queſtions yet?

Mr. *Treby*. No, we have done with him.

Lord High Steward. Have you concluded your Evidence, Sir?

Mr. *Smith*. Yes.

Lord High Steward. My Lord *Stafford*, will your Lordſhip ask him any Queſtions?

Lord *Stafford*. I deſire to know how long ago it was, my Lord, ſince he was made a Prieſt.

Sir *Fran. Win*. My Lords, with your Lordſhips leave, no man is bound to anſwer a Queſtion whereby he ſhall accuſe himſelf; therefore under favour the Queſtion is ſomewhat harſh, and we demand your Judgment in it.

Lord High Steward. What is the Queſtion your Lordſhip would have asked him?

Lord *Stafford*. I will not ask it ſince 'tis an offence, but did not he ſay he ſaid Maſs, pray how long ago was that?

Lord High Steward. I will ask him a Queſtion, Are not you a Proteſtant?

Mr. *Smith*. Yes, my Lord.

Lord High Steward. How long have you been ſo?

Mr. *Smith*. I have been a Proteſtant near upon two Years.

Lord High Steward. How long ago before were you perverted?

Mr. *Smith*. Some ſix or ſeven Years.

Lord High Steward. That is nine Years. That was I ſuppoſe about (71.)

Mr. *Smith*. I was always bred a Proteſtant, and was ſo abroad till I went towards *Rome*.

Lord High Steward. It is not criminal to have been a Prieſt, if he have conformed.

Lord *Stafford*. I have no more to ſay to him.

Lord High Steward. Have you any more Queſtions to ask him?

Lord *Stafford*. No, I never ſaw him before, he may be as honeſt a Gentleman for ought I know as any one here.

Mr. *Treby*. Then if your Lordſhip have no more Queſtions to ask him, he may

may withdraw. My Lords, The next witneſs we produce is to the general ſtill, and that is Mr. *Stephen Dugdale.*

Lord *Stafford.* Is he only to ſpeak to the general, or to me?

Mr. *Treby.* To the general, we ſhall tell your Lordſhip when we come to the particulars.

Sir *Fran. Win.* My Lords, with your Lordſhips favour, we have opened our Caſe, firſt, that we would go on with the general, while we are upon that head we will only call thoſe that ſpeak to the general, but it may happen that one Witneſs may ſpeak to both; but we ſhall divide his Teſtimony when we come to obſerve upon it.

Mr. *Treby.* My Lords, I take leave to acquaint your Lordſhips, that Mr. *Dugdale* hath but a low voice, and your Lordſhips will not hear him without a Command of Silence (which was done by Proclamation, and Mr. *Dugdale* ſworn.)

Mr. *Treby.* Mr. *Dugdale*, take notice, We call you now only to the general part of the Plot, what Diſcourſes you have heard from Prieſts in general concerning any part of the Plot. And you are not to give your particular Evidence againſt this Noble Lord, my Lord *Stafford*, till we call you thereunto.

Lord High Steward. What ſay you, Sir?

Mr. *Dugdale.* About fifteen or ſixteen Years I have been acquainted, that there was a deſign carrying on for the bringing in the Romiſh Religion. I have at ſeveral times, by the means of my Ghoſtly Father, that was Mr. *Evers*, been acquainted, that there were ſeveral Lords, and ſeveral Prieſts in ſeveral places in *England* that were to carry it on, that is, they were to have Money and Arms ready for thoſe that wanted againſt the Death of the King. I have ſeen ſeveral Letters which have come from *Paris*, *Rome*, and St. *Omers*, all relating to this, to incourage Mr. *Evers*, and that he ſhould go on to incourage the reſt that were ingaged. For that purpoſe I read ſome of them, and intercepted them, becauſe they were all directed to me. Mr. *Evers* hath ſent me upon Meſſages, ſometimes by Letters, and ſometimes by word of mouth, and all tended for the introducing of their Religion, that all ſhould be ready with Money and Arms againſt the Kings Death. For I did hear nothing till of late about the killing of the King. In particular, there came one Letter to *Evers*, from my Lord *Stafford*, to ſhew that things went on well beyond Sea, and hoped they did ſo here. I ſaw another time ſome Letters which were alſo tranſmitted to my hands by a Meſſenger that came from *Boſcobel*, which did come from *Paris*, and ſo to St. *Omers*, from whence they came to *Harcourt*, and *Harcourt* had delivered the Letters to have the opinion of ſome Lords: All which contained advice which they had received from *Paris*, which they counted extraordinary good. The purport of theſe Letters were to ſhew there was no way could be more likely to do their Work, than if any ſudden Death ſhould happen to the King, then to throw it upon the Presbyterians, who had killed the old King, and were likelyeſt to be thought to have done this, and ſo they might eaſily get the Proteſtants, thoſe of the Church of *England*, to join with the Papiſts againſt the Presbyterians, who would by that become odious, and ſo ſhould weaken the party the more eaſily to accompliſh their deſign. I have of late ſeveral times been in Company with Prieſts and other Gentlemen in the Country, when they have had Conſultations both for the introducing their own Religion, and taking away the Kings Life, which they did always intend to be about *November*, *December*, or *January* (78.) It was late in the Year, but all that Year (78.) this was their Conſultation. I have been ſent to the Jeſuits, ſome of them, particularly to Mr. *Vavaſor* and Mr. *Gavan* for ſome Moneys, for there was a general Collection, and there was the ſum of five hundred pounds at one time which I received,

and gave to Mr. *Evers*, and he returned it to *London* for the carrying on this deſign, and for diſcharging an account of Arms and things received from beyond Sea. And it was agreed that my Lord *Aſton*, Sir *James Symons* and others, ſhould go in *October* 1678. to diſpoſe of the Arms which they had ſo received, ſome here, and ſome beyond Sea, to the value I heard ſay of 30000. Moreover I did hear that they were to have men raiſed there as well as here. So I have heard from Mr. *Evers*, and Mr. *Gavan* and others, and I have been alſo by when it hath been diſcourſed that the King of *France* was acquainted with all theſe deſigns, and that he would furniſh us with men, and ſhould not be wanting with all other aid and aſſiſtance, if there ſhould be any alteration, if the King ſhould die or be taken away, or to that purpoſe: I have been ſeveral times put upon to make foot Races to draw people together that they might the better have Diſcourſes together without ſuſpicion. I was likewiſe put in truſt by the Jeſuits all the while the Plot was carrying on, and particularly for two Years, all the Letters relating to the Plot came to my hand, ſome of which I opened, and ſome I kept in my own hands, and particularly I had one that came to my hands which was about the Death of Sir *Edmundbury Godfrey*, for when I carried it to Mr. *Evers*, he ſaid, There was one of our Enemies taken out of the way; and it was contained in the Letter, *This night Sir* Edmundbury Godfrey *is diſpatched*; which by the date of it was the 12 *October* 1678. I told him that that would prove a diſcouragement to us, and would be the ruine of all the deſign; he ſaid not ſo, it would rather prove otherwiſe, for he was one that was active in puniſhing lewd and debauched perſons, and it would rather be put upon them than us, as done out of Revenge.

Mr. *Treby*. Pray Sir ſpeak the particular time when that Letter came into *Staffordſhire*.

Mr. *Dugdale*. The 14*th* of *October* 1678. which was *Monday*.

Mr. *Treby*. The date of it pray tell us.

Mr. *Dugdale*. The 12*th* of *October* 1678.

Mr. *Treby*. The very night that it was done.

Mr. *Dugdale*. Likewiſe when I did hear there was like to be an alteration in the Government, and having ſuch fair promiſes, I was incouraged to it, and was very willing to contribute to the deſign, and I did then make over an Eſtate which I had of four hundred pound value for that purpoſe, and for the praying for my Soul. And when my Lord *Aſton* and I ſhould come to Account, as there was money over and above due to me, I did likewiſe promiſe, becauſe I ſaw money would be wanting, I would give them a hundred pound more. There were ſeveral other Gentlemen, as Mr. *Hevening ham*, Sir *James Symons*, my Lord *Aſton*, Mr. *Draycott*, Mr. *Howard* and Mr. *Gerard*, who did to my knowledge contribute towards the carrying on of this Charge, for defraying of money and raiſing Arms, and paying for them. And I have ſeen Letters from beyond Sea, that have been to Mr. *Evers*, that all things have been ready as to the Armes, and there only wanted Orders how they ſhould be diſpoſed of, and I have been ſeveral times brought to the Oath of Secrecy for fear I ſhould diſcloſe it, and particularly that time that I went away from my Lord *Aſtons*, which was on a *Monday* Morning. Mr. *Evers* gave it me about the 18*th* or 19*th* of *November*, 1678. And I did then promiſe by all the promiſes I could make, and upon the Sacrament in his Chamber, that I would not diſcloſe it; but having others to adviſe me in it, ſuch as could better do it, that told me ſuch Oaths were better broken than kept, and thereupon I came to diſcover the thing, which I have done to the beſt of my knowledge. I am very loath to charge my memory in particular, about times, or how many were in Company, but thoſe that I am ſure of; but there hath been in Company at the Conſultation ſeveral times, Mr. *Hevening-*

ham,

ham, Sir *James Symonds*, Mr. *Vavaſor*, Mr. *Petre*, Mr. *Howard*, and my Lord *Aſton* himſelf; when there hath been ſpeech about the deſign, for the introducing of Religion, and for taking Order about money to buy Arms, and particularly when my Lord *Stafford* was by about the Death of the King, and that was about *September* 1678.

Mr. *Treby*. Mr. *Dugdale*, you ſpeak of levying Arms, and of the Oath of Secrecy that was given you, were there not other Spiritual Weapons uſed? Was there not an Indulgence, or ſuch a thing?

Mr. *Dugdale*. There was an Indulgence about 78, or thereabouts, which came through *Ireland*'s hands, tranſmitted from beyond Sea, and ſo to Mr. *Evers*, and Mr. *Gavan* was put on to publiſh it, which he did one time at *Boſcobel*. And it was likewiſe at all private Chapels, that whoſoever was active for the introducing the Romiſh Religion, or killing the King, ſhould have a free Pardon of all his ſins.

Mr *Foley*. Pray declare what Arguments have been uſed by your Prieſts, to induce you to this deſign?

Lord *H. Steward*. Raiſe your voice, that we may hear what you ask.

Mr. *Foley*. We would know what Arguments have been uſed to perſwade to this deſign?

Mr. *Dugdale*. They have told me in their Meetings, the King was an Excommunicated Heretick, and he was out of the Pale of the Church, therefore it was lawful to kill him, and it was no more than the killing of a dog.

Sir *John Trevor*. My Lords, I deſire to ask him one Queſtion further, what he hath heard about a Maſſacre that was intended?

L. H. Steward. Have you heard of any Maſſacre that was to be?

Mr. *Dugdale*. I have heard that about the time the King ſhould be Killed, ſeveral ſhould be provided with Arms, and ſuch Inſtruments, and riſe all of a ſudden at an hours warning, and ſo come in upon the Proteſtants, and cut their Throats; that was one propoſal: and if any did eſcape, there ſhould be an Army to cut them off in their flight.

Mr. *Treby*. My Lords, I deſire to ask him one Queſtion further, whether he ever knew or heard of Mr. *Oates* and *Bedloe* till the Plot was detected?

Mr. *Dugdale*. I have heard of them from Prieſts, as Meſſengers intruſted by them, but no otherwiſe.

L. H. Steward. When did you hear that?

Mr. *Dugdale*. I have formerly declared it.

Mr. *Treby*. Ay, when?

L. H. Steward. Before the diſcovery or after?

Mr. *Dugdale*. Before the diſcovery,

Mr. *Treby*. My Lords, the reaſon of the Queſtion, and the uſe we make of it is this, We charge the Papiſts with the Conſpiracy of a Plot, and they charge our Witneſſes with a Conſpiracy to accuſe: Now it appears, that Mr. *Dugdale* had not any knowledg of the other Witneſſes, and only had heard of them as perſons concerned; ſo it could not poſſibly be a joynt contrivance amongſt them.

Sir *John Trevor*. My Lords, I deſire to ask this Queſtion, Whether Mr. *Dugdale* hath ſeen any Letters from *Whitebread* to *Evers*, and what inſtructions were in thoſe Letters to *Evers*, about the perſons to be concerned, and what kind of Creatures he was to imploy in this great Deſign of theirs?

Mr. *Dugdale*. I ſaw a Letter from *Whitebread*, to give Mr. *Evers* a caution who he did employ or truſt in the Deſign; for he told him there had been good care taken therein hitherto; and it were no matter whether they were Gentlemen of Quality or not, ſo they were ſtout and truſty, or to that purpoſe.

L. H. Steward. What ſhould they be truſty for?

Mr. *Dugdale*.

Mr. *Dugdale.* For the Killing the King.

L. H. Steward. Was that ſaid plainly in the Letter?

Mr. *Dugdale.* To the beſt of my remembrance in thoſe very words.

L. H. Steward. Was there no Cypher or Character?

Mr. *Dugdale.* There was no Cypher or Character that I know of, nothing but two letters for his Name.

Mr. *Treby.* My Lords, I deſire Mr. *Dugdale* may give an account of thoſe Papers he ſpeaks of; What became of them, and tell us the reaſon why they were not produced?

Mr. *Dugdale.* My Lords, when I was by the inſtruction of Mr. *Evers*, to take my flight, I conveyed all my Papers, that either belonged to him or my ſelf, for the carrying on of the Plot, and carryed them to an Houſe not far remote from my Lord *Aſton*'s, and by the help of two Maids——

Mr. *Treby.* Name them.

Mr. *Dugdale. Elizabeth Eld*, and *Anne Eld.* And they two did prepare a Fire in their Chamber for that purpoſe, and they aſſiſted me to burn them. I was in a great conſternation, and great fear, in regard I muſt fly and abſcond my ſelf; and indeed I did it with Tears in my Eyes. And whilſt we were burning of the Papers, one of them ſpy'd a little Paper-book, by chance, and ſhe asked me, whether that ſhould be burnt? I told her, no; burn not that, for there is no Treaſon in it. With that one of them asked me, is there any Treaſon in the reſt? and I put them off, to the beſt of my knowledge, and would not give them a direct anſwer.

Sir *John Trevor.* Why did you conſent to burn them?

Mr. *Dugdale.* Becauſe I knew they would diſcover me, and others that were concerned in the Plot.

Sir *Fr. Winington.* Your Lordſhips will be pleaſed to obſerve, the burning of the Letters was before he diſcovered the Plot, or any thing.

Mr. *Sacheverell.* My Lords, We deſire he may be asked one Queſtion, he told your Lordſhips of the Letter that came into *Staffordſhire* about the Death of Sir *Edmundbury Godfrey*, but he hath not told you of the reaſon why he was to be taken away. We deſire he will let your Lordſhips know what reaſons they gave for it?

Mr. *Dugdale.* My Lords, I was deſirous to know how things went, being concerned as well as Mr. *Evers*; and I asked what the reaſon was they took away his life? Mr. *Evers* told me, that there was a Meſſage ſent to Mr. *Colman*, to deſire him that he would not reveal what he knew concerning the Plot, or any thing of that nature.

Mr. *Sacheverell.* From whom was that Meſſage ſent?

Mr. *Dugdale.* From the Duke of *York.* And *Colman* did ſend word back again, What was it the nearer? for he had been ſo fooliſh as to reveal all to Sir *Edmundbury Godfrey*, who had promiſed to keep it all as a ſecret. But upon the Examination of *Oates*, before Sir *Edmundbury Godfrey*, as a Juſtice of Peace, he was afraid he would come in an Evidence againſt him; and had ſhewn himſelf a little too eager, which made *Colman* afraid he would witneſs againſt him. And the Duke of *York* did ſend word back again, That if he would take care not to reveal but conceal it, he ſhould not come in againſt him, or to that purpoſe: And the next news we heard was the Letter that he was diſpatched.

Mr. *Foley.* I deſire he may give an account what aſſiſtance the Pope gave for the carrying on of this Deſign?

Mr. *Dugdale.* I heard the Pope had out of his Revenue promiſed ſeveral ſumms of Money for the carrying on this Plot; and particulary that he would aſſiſt the poor diſtreſſed *Iriſh*, with both Men and Money; and there ſhould not be any thing wanting on his part.

L. H. Steward.

L. H. Steward. Have you done with him, Gentlemen?

Mr. *Treby.* Yes, I think we have done with him as to the General.

Lord *Stafford.* I desire to ask him then what summs of Money did the Pope contribute to it?

L. H. Steward. What summs of Money did the Pope contribute to this Design?

Mr. *Dugdale.* I have heard of several summs in general that he was to contribute for the carrying on of the Plot.

L. H. Steward. Did you hear of any summ certain?

Mr. *Dugdale.* I do not know, but I think I have heard sometimes of Ten Thousand Pound, or some such summ. I have been told by a Servant, that formerly belonged to my Lord *Stafford*, That the Popes daily income was Twenty Four Thousand Pounds a day; and that if he would do as he had promised, he was able to do very much. NB.

L. H. Steward. They told you so, you do not know it otherwise.

Mr. *Treby.* We have done then with him: We call Mr. *Prance* next.

(Who was sworn.)

Mr. *Treby.* My Lords, I desire Mr. *Prance* would give us an account of what Discourse he had with one Mr. *Singleton*, a Priest; and when?

Mr. *Prance.* I went to one Mr. *Singleton*, a Priest, at one *Hall*'s in the year (78) and he told me, That he did not fear but in a little time to be a Priest in a Parish Church; and that he would make no more to stab Forty Parliament Men, than to eat his Dinner, which he was at, at that very time.

L. H. Steward. Where was that?

Mr. *Prance.* At one *Hall*'s, a Cook in *Ivy-lane.*

L. H. Steward. Will you ask him any Questions, my Lord?

Lord *Stafford.* No, my Lord.

Mr. *Treby.* Then call Dr. *Oates.*

(Who was Sworn.)

L. H. Steward. Do you examine Mr. *Oates* upon the General Plot, or the Particular?

Mr. *Treby.* Only to the General now; and we desire him to take notice he is so to speak, and to confine himself to that at present.

Dr. *Oates.* My Lords, in the year (76) I was admitted into the service of the Duke of *Norfolk*, as Chaplain in his House, and there I came acquainted with one *Bing*, that was a Priest in the House. And being acquainted with him, there came one *Kemish* very often to visit him, and one *Singleton*, who told me, That I should find that the Protestant Religion was upon its last leggs, and that it would become me, and all Men of my Coat (for then I professed my self a Minister of the Church of *England*) to hasten betimes home to the Church of *Rome*. *My Lords*, having had strong suspicions for some Years before, of the great and apparent growth of Popery; to satisfie my curiosity, I pretended some doubts in my mind. *My Lords*, After some time had passed over, and I had had some conversation with these Men, I found they were not men for my turn, because being regular men, they were not men that had any great degree of Learning. Afterwards, *My Lords*, I met with one *Hutchinson*; I found him a Saint-like man, or one that was Religious for Religion sake; and him I found not for my turn neither: For, *My Lords*, my design was to deal with their Casuists; that is, those of the Society. After that I had obtained the favour from him, to have some Conference with one of the Society, I found they were the men for my turn, because I found they were the cunning politick men, and the men that could satisfie me. After that I had had some Discourse with them, I pretended to be convinced by their Arguments. And, *My Lords*, after that I had thus acknowledged my Conviction, I desired to be reconciled; and accordingly

on *Aſh-wedneſday*, 167$\frac{6}{7}$ I was reconciled. And ſoon after my reconciliation, *Strange*, who was then Provincial of the Society, did tell me much after this way; Mr. *Oates*, you are now reconciled to the Church of *Rome*, and you muſt lay down your Miniſtry, for your Ordination is invalid, and you muſt look upon your ſelf as no more than a Layman. Pray, ſays he, now what courſe do you think to take? I told him, I did deſire to be one of their Society, and to be admitted a Novice into their Order. He ſaid, it was a very honeſt requeſt, and a very honeſt deſire; and he ſaid, he would take ſome time to conſider of it, and he would take till the *Saturday* following. *Saturday* following I was ſent for, by one *Fenwick*: I lodged then in *Barbican*, and *Fenwick* came to me, and told me, the Fathers were met at *Wild*-Houſe, and would ſpeak with me. And he alſo told me, they had granted my requeſt, and I ſhould be admitted. After I was admitted, they told me, I had ſome years upon me, and I could not undergo thoſe burdens they put upon younger men. But what did I think of travelling, and going beyond Sea to do their buſineſs? I did agree to it, and in *April* (77) I went aboard one *Luke Roch*, Maſter of the *Bilboa* Merchant, bound for *Bilboa*, having their Letters of recommendation. After I arrived there, which was on a *Sunday*, in *May* or *June*, (I can't tell which) I went the *Friday* following for *Validolid*, in *Caſtile*, and I got thither the *Tueſday* following; but by the way I opened certain Letters, wherein was made mention of a diſturbance deſigned in *Scotland*. And the Letters did expreſs what hopes they had to effect their deſign in *England*, for the carrying on (as they worded it) the Catholick Cauſe, and for the advancement of the intereſt of the Biſhop of *Rome*. *My Lords*, after I had arrived at *Validolid*, there were Letters there got before me, which were dated in *May*, wherein was expreſſed news, That the King was diſpatched, which was the cauſe of great joy to the Fathers there; and afterwards Letters dated in *May* too (but towards the latter end of *May*) came, That they were miſtaken, and deſired the Fathers there, to ſtifle that news. *My Lords*, There came Letters dated in *June*, wherein they did give an account, That they had procured one *Beddingfield* to be Confeſſor to the Duke of *York*; which *Beddingfield* by his intereſt might prevail much with the Duke, in order to this Deſign. Letters came alſo in *June* from St. *Omers*, which gave them an account, That Father *Beddingfield* had aſſured them of the Dukes willingneſs to comply with them, for the advancement of the Catholick Religion. *My Lords*, After I had ſtay'd ſome time there, and had paſſed through the Country for the buſineſs of the Society; I found that in the Court of *Spain* ſome Miniſters of that Court had been very ready to advance Money, which Money was returned for *England*; and that the Father Provincial of the Jeſuits of *Caſtile*, by his care and induſtry had advanced Ten Thouſand Pound, which was promiſed to be paid in *June* following, within a Twelvemonth after. *My Lords*, In *July* I received Letters out of *England*, wherein an account was given there, to the Fathers in *Spain*, That they were ſending them a Miſſion of Twelve Students, Four whereof were to go to *Madrid*, and Eight to *Validolid*: the Conductors of theſe Twelve Students were, one Father *Croſſe* (that was his true Name) and one Father *Mumford*, whoſe true Name was *Armſtrong*. Theſe Miſſioners arrived in *December*, where they had a Sermon preached at their coming, by this ſame *Armſtrong*, wherein the Oaths of Allegiance and Supremacy were declared to be Antichriſtian, Heretical, and Deviliſh; in which the Kings Legitimacy was vilified and abuſed; and that his Religion did intitle him to nothing but ſudden death and deſtruction, in that he appeared an enemy both to God and Man. Theſe were the contents of that Sermon as near as I remember. *My Lords*, after the meeting with ſeveral Letters there, in *July*, *Auguſt*, and *September* in the Kingdom of *Spain*, it

was

was ordered, I ſhould return for *England*; and in the Month of *November* I came for *England*, at which time I had Letters from the Provincial of *Caſtile*, called by the Name of *Padre Hieronimo de Corduba*, who did in his Letter aſſure the Provincial in *England*, and the Fathers here, That the Ten Thouſand Pound ſhould be paid (as I ſaid before) in *June* following. When I came for *England*, at *London* I was Lodged at one *Grigſon*'s, that lived in *Drury-lane*, near the Sign of the *Red-Lyon*, and there I lay till I went to St. *Omers*; and by the Provincial and Conſulters of the Province, I was ordered a maintenance, and it was paid to this Man for entertaining of me. I went and brought theſe Letters to this *Strange*, and there was Father *Keins*, lying ill upon *Strange*'s Bed, and *Keins* was ſaying, he was mighty ſorry for *honeſt William* (ſo they called the Ruffian that was to kill the King) that he had miſſed in his Enterprize: But, *my Lords*, this I think good to tell your Lordſhips, they were not ſo zealous for the Deſtruction of the King till the King had refuſed *Colman* the Diſſolving of the Long Parliament. Then they were more intent upon it, though they had ſeveral times attempted it ever ſince the Fire of *London*: but when *Colman* was refuſed the Diſſolution of the Long Parliament, then were they more zealous for the Deſtruction of the King; but the deſign for the introducing the Popiſh Religion, they have been carrying on ſome years before the Fire, by thoſe inſtruments ſome of whom are yet alive. *My Lords*, I left *England* in *November* old ſtile, and *December* new ſtile; for when I came to St. *Omers* it was (as near as I can remember) the 9th or 10th of *December* according to the ſtile of the place. I carryed with me a Packet of Letters from *Strange* the Provincial, and other Fathers that were of the Conſult for the Province of *England* to the Fathers at St. *Omers*, wherein *Strange* did tell them, that they had great hopes of their deſign taking effect the next year, but as yet it would not be effected; he ſaid, therefore they at *London* thought it fit to ſuſpend it till they ſaw what the Parliament would do. And he did in the ſame Letter declare, That the Parliament would be about a long Bill that had been brought into the Commons Houſe ſome Seſſions before, but he did not Queſtion but that the Catholick Party would evade that Bill. And *My Lords*, In that Year ſome time after, we had a Letter from our New Provincial, whoſe true name was *Whitebread*, and his Counterfeit name *White*. This Father writes to the Fathers at St. *Omers*, and therein he does order one *Conyers* to Preach upon St. *Thomas* of *Canterburies* Day, and he did therein alſo tell them, that he would be as zealous for the carrying on of the Deſign as his Predeceſſor had been, and a Sermon was accordingly Preached at the Sodality Church, wherein after he had commended the Saint whoſe Day they Celebrated for his great Vertues, declaring how unworthily he was Sacrificed, he did inveigh againſt the Tyranny (as he called it) of temporal Princes, and particularly of the King of *England*, and when he came to ſpeak of the Oaths of Allegiance and Supremacy, he declared, that he looked upon them as Antichriſtian and Devilliſh, and that it was fit to deſtroy all ſuch as would countenance them. We have done with the Year (77.) and we come now to *January* 1678.

Lord High Steward. You ſpeak of one *Keins*, who (lying upon *Stranges* Bed) ſaid he was ſorry *honeſt Will* had miſſed his Enterprize: You have not explained who that *honeſt Will* was: explain that.

Dr. *Oats.* It was *Grove.*

Lord High Steward. But about what did he ſay he was ſorry for him?

Dr. *Oats.* That he had miſſed his deſign.

Mr. *Foley.* What was that miſſing of his deſign?

Dr. *Oats.* That he had not killed the King. *My Lords, in January* (78.)

Lord High Steward. You mean according to the Foreign ſtile?

Dr. *Oates.*

Dr. *Oats*. Yes, according to the Foreign ſtile, *My Lords*, we received Letters out of *Ireland*, and there, *My Lords*, We found by the Contents of thoſe Letters, that they were as buſy in *Ireland* as we were in *England*. We found there that the *Talbots* and other perſons were very zealous in raiſing of Forces, and were reſolved to let in the French King, provided that the Parliament ſhould urge the King to break with *France*. *My Lords*, Likewiſe in *January* (as near as I can remember) *Morgan* was ſent into *Ireland* as a Viſitor (which is ſomething a better place than a Provincial, but only it is but temporary for the time he viſits) and he returns in *February* or *March*, and gives an account how ready the Iriſh were to vindicate their freedom, and their Religion from the oppreſſion of the Engliſh as they called it. *My Lords*, In *February* ſome were employed to go into ſome parts of *Germany*, to *Liege*, and to ſome parts of *Flanders*, to ſee how the affairs there ſtood, and how their Correſpondencies ſtood, to ſee whether there was not an interruption in the Correſpondencies. *My Lords*, Upon their return they found, that the Fathers at *Ghent* were inclined to take into this buſineſs the ſecular Clergy, but the Fathers of St. *Omers*, together with the Provincial, did refuſe the motion, becauſe the ſecular Clergy were more Cowardly, and ſought themſelves, and not the Intereſt of the Church, or to that purpoſe. *My Lords*, In *March* we received Letters, that there was a very ſhrewd attempt made upon the perſon of the King, and that the Flint of *Pickering*'s Gun or Piſtol was looſe, and his hand ſhaking, the King did then eſcape, for which he received a Diſcipline, and the other a ſevere chiding.

Lord High Steward. You explain not the meaning of what you ſay; that was not *honeſt William*, for he you ſay was *Grove*.

Dr. *Oats*. I mean *Pickering* received the Diſcipline, and *William* was chid; for it was *Pickerings* Flint that was looſe. *My Lords*, this was in *March*, and at the latter end of *March*, there comes a Letter from *London*, in which there was a Summons to a Conſult here in *London*, and being Summoned, there went over eight or nine from St. *Omers*, *Liege* and *Ghent*, to this Conſult, and I did attend them in their Journey.

Lord High Steward. When did that Summons come?

Dr. *Oats*. The latter end of *March*, or the beginning of *April* as I remember; they had notice of it in *England* before, but we had notice of it juſt when we were to come. I think it was in *April* as near as I can remember, I cannot be certain in that my Lord. We did come to Town in *April*, there the Conſult was held, it begun at the *White Horſe* Tavern, where they did Conſult about ſome things of the Society, and afterwards they did adjourn into particular Societies, where they did debate and reſolve on the Death of the King, and that *Grove* ſhould have fifteen hundred pounds for his pains, and the other being a Religious Man ſhould have thirty thouſand Maſſes ſaid for him. *My Lords*, After ſtaying in Town a while we returned to St. *Omers*, and after I had ſtaid there ſome few days the New Provincial did begin to viſit his Province, and comes over to St. *Omers*, where after ſtaying ſome ſix days he goes over away from thence to *Wotton*. But whilſt he ſtaid at St. *Omers*, I was ordered to go into *England* to attend the Affairs here, and for to do ſome other Services that they ſhould employ me about. *My Lords*, Accordingly I did come over, and it was on the 23*th* new ſtile, as near as I remember, I got to *Calice*, the 24*th* I got to *Dover*, on the 25*th* I got to *Sittenburn*, but between *Dover* and *Sittenburn* we had ſome Boxes ſeized, for at *Dover* we met with *Fenwick*, who is ſince Executed, who went by the name of *Thompſon*, and carried a Box with him, and a little on this ſide *Canterbury* it was ſeized by the Cuſtom-Houſe Officers, and ſeveral little Trinkets in it which were ſeized as French Goods, and he did deſire the Searcher to ſtand his Friend, and he would give him ſomething for his pains,

and

and told him where he ſhould write to him in *London*. There was a Superſcription on the Box to one *Blundel*, but he ſhould write to him by the name of *Thompſon*, at the *Fountain* Tavern near *Charing-Croſs*. We arrived in Town the 17*th* of *June*, which is the 27*th* new ſtile; it was upon a *Monday*, and there were Letters which did follow us, wherein were Propoſals to be made to Sir *George Wakeman* for the poiſoning of the King, and that the ten thouſand pounds which the Spaniards had promiſed in *January* before, and was accordingly paid in *London* at the time, ſhould be propoſed to *Wakeman* to poiſon the King; I found that *Colman* did look upon it as too little, and he thought fifteen thouſand pound ſhould be given to him; I found that *Langhorn* thought it too much, and that he ought to do ſo great a piece of ſervice for nothing, and told us he was a narrow-ſpirited man if he would not ingage in ſuch a thing. *My Lords*, There was five thouſand pounds, as the Books told me, paid, but I did not then ſee it paid, becauſe I was then ill and not fit to ſtir abroad. *My Lords*, We are now paſt *June* (78.) In *July* Father *Aſhby* comes to Town, who did revive the Propoſal to Sir *George Wakeman*, but being ſick of the Gout, he haſtned down to the *Bath*, and when he came there, as ſoon as he began to be well, he was adviſed by the Fathers to ſee how the Catholicks ſtood affected in *Somerſetſhire*; for they had had an Account in *March* (78.) by Letters from *Berkſhire*, *Oxfordſhire* and *Eſſex*, that the Catholicks ſtood well affected, and Sir *William Andrews* did ſecure that the people of *Eſſex* ſhould ſtand to their points; and ſo ſeveral men did ſecure that they would have them in readineſs. *My Lords*, In *Auguſt* (I cannot remember every particular, but refer my ſelf to the Records of the Houſe) about the 26*th* of *Auguſt*, I find that *Fenwick* went to St. *Omers*, and there he was to attend the Provincial home, and to give the Provincial an Account of the Propoſal accepted by Sir *George Wakeman*, but in *July* (if your Lordſhips pleaſe to give me leave to go back again) *Strange* comes to Town, and falling in Diſcourſe about the Fire of *London*, and the Rebuilding of it, he very frankly told me how it was fired, and how many of thoſe concerned were ſeized, and among the reſt told me that the Duke of *Yorks* Guard, as by his Order, did receive them, and were afterwards willing to diſcharge them, which I forgot to mention before, but upon review of my Papers, I do find, that it was told me his Guard did releaſe the Priſoners that were taken as ſuſpected about the Fire, and that all the Order they had for it they pretended was from the Duke. But now, my Lords, We return to *Auguſt* again. Upon the 3*d* of *Auguſt*, I find, *Ireland* did pretend to go to St. *Omers*, and a Letter came from him as directed from thence; but we find by his Tryal and other things ſince, that he went into *Staffordſhire*; and about the 12*th* of *Auguſt* (as I remember) he was here in Town. The latter part of *July* I communicated with Dr. *Tongue*, and gave him ſome particular Account of Affairs, I deſired him to communicate it to ſome that might make it known to the King; the King had notice the 13*th* of *Auguſt*, or the 14*th* as I remember, and by the 3*d* of *September* I was betray'd, and was expoſed to the Vengeance of theſe men whoſe Contrivances I had thus diſcovered. So my Intelligence did ceaſe wholly the 8*th* of *September*; Then was I forced to keep private, and upon my Examination, what Information I gave before the Lords and Commons, I refer my ſelf to them.

Lord High Steward. My Lord *Stafford*, will you ask him any Queſtions?

Lord *Stafford.* No, my Lord, I am not at all concerned in his Evidence.

Lord High Steward. You ſay you were betray'd, can you tell how or which way you were betray'd?

Dr. *Oats.* My Lord, I will give this Honourable Houſe what light I can in it, but I deſire then to be excuſed from my Oath, for I can't ſpeak it of my own knowledge.

Sir *John Trevor.* Then the next Witneſs we deſire may be called, is Mr. *Bernard Dennis.*

Mr. *Serj. Maynard.* This Witneſs we call now is to confirm what Dr. *Oats* hath ſaid, that he was at *Validolid*, and other places in *Spain*: he will be ſhort.

Lord High Steward. Call you *Oats* again?

Sir *Fran. Win.* No, my Lord, We call *Dennis* to confirm what Dr. *Oats* hath ſaid. He hath given your Lordſhip an Account that he was in *Spain*, we now produce one that ſaw him when he was there, and ſo confirms the Evidence given by him. (Then Mr. *Dennis* was Sworn.)

Mr. *Treby.* Mr. *Dennis*, Do you give their Lordſhips an Account of your Diſcourſing with Dr. *Oats* in *Spain*, or any where elſe abroad, and where.

Lord High Steward. Stay a little, Do you know Mr. *Oats?*

Mr. *Dennis.* Yes, my Lord.

Lord High Steward. How long have you known him?

Mr. *Dennis.* I knew him in the Year (77.)

Lord High Steward. Where?

Mr. *Dennis.* At *Validolid.*

Lord High Steward. Did you ſee him there, was he a Student there?

Mr. *Dennis.* Yes, my Lord.

Lord High Steward. Was he known by the name of *Oats?*

Mr. *Dennis.* Yes, my Lord, he was.

Sir *Fran. Win.* My Lord, We deſire he may tell his knowledge of Mr. *Oats*, what Converſation he had with him in *Spain.*

Mr. *Dennis.* My Lords, I was in *Spain* in the City of *Victoria*, and leaving the City of *Victoria* in the Month of *June*, I took my courſe to *Madrid*, and paſſing through the City of *Validolid*, going into the Convent of the Dominicans, there came an Iriſhman, a Prieſt of *Ireland*, out of the City to ſee me, and there he told me, there was a Student of the Jeſuits, by name Mr. *Oats*, an Engliſhman, and I underſtanding this, went into the Colledge of the Jeſuits to ſee Mr. *Oats*, and there had Converſation with Mr. *Oats*, and in the Converſation I had with him there he told me that he was a Vicar in *Kent*, and that he was Chaplain to a great Nobleman in *England*, by name *Howard*, and that he went out of *England* by the conſent of the Jeſuits in *England*, being Converted by them to the Roman Catholick Faith, and that his going into *Spain* was to fit himſelf for the Society of the Jeſuits, and underſtanding my reſolution was to go to *Madrid*, he did deſire me to carry a Letter to the Archbiſhop of *Tune*, one *James Lench* an Iriſhman, who lived at *Madrid*; and further, he lent me four pieces of eight to defray my Journey to *Madrid*, and deſired me to pay the money to the Procurator of the Jeſuits at *Madrid*, and in carrying this Letter to the Archbiſhop, when I came there I got a Dominican Fryer of *Ireland*, by name *Humphry Delphin*, to go with me and ſee the Archbiſhop at his Lodging, and going in, I delivered him the Letter in the preſence of the Dominican, and he peruſed it in my preſence, and in the preſence of a Prieſt that waited upon him, and finiſhing the Contents of the Letter, as I ſuppoſe, with a ſmiling Countenance he turned about, and ſaid, Sirs, the Contents of this Letter is, that Mr. *Oats* is deſirous to receive the Order of Prieſthood from me, or at my hands, and if it be ſo, it will be much in our way, and this man will be a fit man for our purpoſe; for ſaid he further, Dr. *Oliver Plunket*, Primate of *Ireland*, is reſolved this Year, or with the next Convenience, to bring in a French Power into *Ireland*, and thereby to ſupport the Roman Catholicks in *England* and *Ireland*, and if it pleaſe God, I my ſelf, without any delay, will go into *Ireland*. to aſſiſt that pious Work. All this Diſcourſe between us and the Archbiſhop, and between *Oats* and me, was in *July* (77.) And there I did ſpeak and converſe with Mr. *Oats.*

Mr. *Oats*. All this I can teſtifie for truth on the behalf of Mr. *Oats*, who was then a Student in the Colledge of *Validolid*, and had no other name nor title.

Mr. *Foley*. I deſire himſelf may tell your Lordſhips what Religion he is of.

Lord High Steward. What Religion are you of?

Mr. *Dennis*. I am a Dominican Fryer, my Lord.

Lord High Steward. Are you?

Mr. *Dennis*. My Lords, I am.

Lord High Steward. At this time?

Mr. *Dennis*. Yes, my Lords.

Mr. Serj. *Maynard*. He hath a Pardon, my Lords.

Mr. *Treby*. This hath been controverted, my Lords, whether Mr. *Oats* ever was in *Spain*, we deſire to make it out plain to the World, for the Confirmation of his Evidence. Therefore we ask him again, Do you know the perſon of Mr. *Oats*?

Mr. *Dennis*. Yes, I do.

Mr. *Treby*. Is this perſon that gave Evidence laſt before you, the ſame perſon you ſaw at *Validolid*?

Mr. *Dennis*. Yes, it is.

Mr. *Sacheverel*. *My Lords*, We deſire to ask of him, why he had the four pieces of eight of Mr. *Oats*.

Lord High Steward. Why had you that money of *Oats*?

Mr. *Dennis*. For to defray my Journey to *Madrid*.

Lord High Steward. Was that all you had?

Mr. *Dennis*. Yes, my Lords.

Mr. *Sacheverel*. We pray he may be asked how he came to be ſo needy.

Mr. *Dennis*. My Lords, I was not altogether needy, but it is very certain, Religious perſons, eſpecially of my Order, cannot carry any money about them but what is requiſite for their Journey, and that which may be removed from place to place.

Sir *John Trevor*. I deſire to ask him, did he ſee any more money that Dr. *Oats* had.

Mr. *Dennis*. I did ſee Dr. *Oats* in his Chamber in the Colledge at *Validolid*, when he delivered me the four pieces of eight, to draw out a Drawer of a Table in his Chamber, and out of the Drawer he pulled a Bag of money, which was a very conſiderable ſum of money, and I am certain he did not want money there then.

Mr. *Treby*. *My Lords*, I think we have done with him, if my Lord pleaſe to ask him any Queſtion he may.

Lord *Stafford*. But only one Queſtion, for I never ſaw the man in my Life. I deſire he may be asked, whether he be ſtill of the Romiſh Religion.

Sir *John Trevor*. *My Lords*, We have not yet done with him, the Queſtion we would ask him, is this, whether he hath heard of any money that was gathered in *Ireland* for the ſupport of this Plot?

Lord High Steward. The Queſtion asked of you, have you heard of any money gathered in *Ireland* for the ſupport of this Plot?

Mr. *Dennis*. I have both heard and ſeen of it.

Lord High Steward. When and where?

Mr. *Dennis*. My Lords, in the Year (68.) I entred into the Order of the Dominicans in *Ireland*, and in the ſame Year there arrived at *Dublin* a Franciſcan Fryer, Brother to the late Earl of *Carlingford*, and arriving there, he made ſeveral Collectors for the levying a competent ſum of money out of every Convent and Religious Houſe. *My Lords*, the Collectors were by name *John Reynolds* alias *Landy*, and *John Berne*, and arriving at the County of *Sligoe* in the Month of *May*,

Lord

Lord High Steward. What Year?

Mr. *Dennis.* (68) And when the Collectors came to the Convent of our Fryers in *Sligoe*, all the Fryers gathered together into a room, and theſe Collectors coming in did read their Commiſſion given them from one *James Taaffe*, as they ſaid, and I was there perſonally preſent, though a Novice, and upon reading their Commiſſions, they ſaid 40ˢ was to be paid by the Prior, and the Fryers of that Convent, and the Provincial of the Order of the Dominicans queſtioned the power of the ſaid *Reynolds* and *Berne*, and ſo did the Prior; and I asked why the Money was levyed? they gave anſwer, That that levy and ſeveral other levyes, was to incourage the French King, in whoſe Kingdom were ſeveral Biſhops of *Ireland*, Clergymen, and others, whoſe buſineſs it was to provoke the King to bring an Army to invade *Ireland*, when ever time ſhould ſerve.

L. H. Steward. Have you done with him now?

Mr. *Treby.* Yes.

L. H. Steward. Will your Lordſhip ask him any Queſtions?

Lord *Stafford.* My Queſtion is only whether he profeſs himſelf of the Church of *Rome*, or a Proteſtant?

Mr. *Dennis.* I am a Roman Catholick ſtill, my Lord.

L. H. Steward. Are you?

Mr. *Dennis.* I am, my Lords.

Lord *Stafford.* Then I have no more to ſay.

Sir *John Trevor.* Then we call Mr. *Jeniſon.*

(Who was ſworn.)

Mr. *Treby.* Mr. *Jeniſon*, You have been among the Papiſts, and you have had great confidence among them; pray declare what you know of their deſigns for the Deſtruction of the Proteſtant Religion, or the means of doing it, whether by the Murder of the King, or what other means, tell your whole knowledge.

Mr. *Jeniſon.* My Lords, In the beginning of the year (78) I have heard Mr. *Ireland*, and Mr. *Thomas Jeniſon*, both Jeſuits, ſpeak of a deſign they had to gain a toleration of Conſcience for their party in *England*; and the way then deſigned to get it was, by procuring a great ſumm of Money from their party, and by bribing the then Parliament. I have heard them likewiſe diſcourſe of ſecuring the Duke of *York*'s Succeſſion, and that (they told me) was to be done, by procuring of Commiſſions to be granted out to thoſe of their party to be ready to riſe upon the death of the King. I likewiſe have heard them diſcourſe of the neceſſity and uſefulneſs to their party of the alteration of the Government eſtabliſhed, and that their Religion could never flouriſh till that was done, and this Kingdom altered according to the French Model. In the Month of *June* (78) I was at Mr. *Ireland*'s Chamber, and there happening a diſcourſe, that the Roman Catholick Religion was like to come into *England*, Mr. *Ireland* did then ſay, there was but one that ſtood in the way, and that it was an eaſie thing to Poyſon the King, and that Sir *George Wakeman* might eaſily and opportunely do it. I asked Mr. *Ireland*, whether Sir *George Wakeman* was the Kings Phyſician? His anſwer was, no, but he was the Queens, and ſo might have an opportunity to do it. In the Month of *Auguſt* the ſame year, the day that I came from *Windſor*, I went to Mr. *Ireland*'s Chamber, and I found he was newly come from *Staffordſhire*, and was drawing off his Boots on the frame of a Table: he asked me, whence I was come? I told him, from *Windſor*: He inquired of me about the diverſions of the Court, I told him, I underſtood His Majeſty did take delight in Hawking and Fiſhing, but chiefly in Fiſhing; and that he went accompanied only with two or three, early in the Morning. Then Mr. *Ireland* replyed, He were eaſily taken off, or removed: to which I anſwered, God forbid,

forbid, being ſurprized at that time; Oh ſaid he, I ſay not that it is lawful. Then there happened ſome interruption to our Diſcourſe about *Staffordſhire*; then we fell into a Diſcourſe of their Religion that he ſaid was ſuddenly to come into *England*, and he asked me, if I would be one of thoſe that would go to *Windſor* to aſſiſt to take off the King: I told him, no; then he told me, he would remit the 20 *l.* I owed him, if I would go to *Windſor* to be one of thoſe that were to take off the King. *My Lords*, I told him, I would have no hand in any ſuch matter, and that I would not for twenty times 20 *l.* have any hand in the death of the King; ſaid he, Would you do nothing for the bringing in of our Religion? I told him, I thought it would never come in by blood: I told him further, God forgive me, if the King were taken off, ſo, well and good, but I would have nothing to do with it. He left not the Diſcourſe there, but asked me, if I knew any *Iriſhmen* that were ſtout and couragious: I told him, yes, I did, and named Captain *Levallian*, Mr. *Karney*, Mr. *Broghall* and Mr. *Wilſon*, all Gentlemen of my acquaintance about *Grays-Inn*. When I named theſe he asked me if I would go along with them to *Windſor*, to aſſiſt them in taking off the King, I told him I did not think any man of Eſtate would ingage in ſuch a matter, that I was Heir to an Eſtate, my Brother being a Prieſt, and that Captain *Levallian* was Heir to a very good Eſtate, and therefore I did believe he would not do ſuch a thing, unleſs the pique which he had to the King or Religion might move him to it. *My Lords*, he approved of theſe perſons, and ſaid, he knew the firſt two of them, *Levallian* and *Karney*; and he ſet down, as I remember, the other two names in writing. He told me he was going to the Club, to Mr. *Colman*, and Mr. *Levallian*, and Mr. *Karney* at that time, and then asked me for the Money, the Twenty pounds that I owed him. He told me he wanted fourſcore Pounds, and he deſired me that I would return it as ſoon as I came into the Countrey. Now *my Lords*, the ſame day that I received this Twenty pound of *Ireland*, I went with Mr. *Thomas Jeniſon* the Jeſuit, to *Harcourts* Chamber to give the Fathers thanks for the Loan of the Money, and there Mr. *Jeniſon* falling into Diſcourſe on that common Topick of their Religion coming into *England*, he did then uſe that Expreſſion which Dr. *Oates* hath in his Narrative. *If* C. R. *would not be* R. C. *he ſhould not be long* C. R. And he did interpret it thus in Latine. *Si Carolus Rex non eſſet Rex Catholicus non foret diu Carolus Rex.* And he did add, *my Lords*, upon the Diſcourſe that if the King were Excommunicated or Depoſed he was not longer King, and it was no ſin, or no great ſin to take him off, and if it were Diſcovered who did it, two or three might perhaps ſuffer, but denying the Fact the matter ſoon would be blown over. *My Lords*, about two Months after the Muſtering the Forces upon *Hounſlowe-Heath*, Mr. *Thomas Jeniſon* did tell me he had a matter of great Conſequence to impart to me, that there was a Deſign on foot ſo laid as that it could not well be Diſcovered, and that the greateſt Papiſts, the greateſt Catholicks in *England* were in the Deſign, That the Queen and the Duke were in it, and that ſeveral Lords, by name my Lord *Bellaſis*, my Lord *Powis*, my Lord *Arundel* of *Wardour* and others, I believe my Lord *Stafford* was named, but I cannot be poſitive in that. At that time *my Lords*, I did wiſh I had had a Commiſſion in the new raiſed Levies that were Muſtered on *Hounſlowe-Heath*, he told me he would procure me a Commiſſion from the *Duke* of *Yorke*, and that there was a new Army to be raiſed to bring in the Catholick Religion, but he did ſay he would tell me more particulars after my receiving the Sacrament of Secreſie, and I did underſtand by him that that Commiſſion was not to be ſent till the taking off the King was effected; but being I was ſurprized at it, he would not tell me the whole matter, but he deſired me to come and receive the Sacrament at Sir *Philip*

Tyrwhitts in *Blomesbury*, and then he would acquaint me with the whole Affair. *My Lords*, being in *Berkſhire* about the Month of *December* (78) at Madam *Halls* in *Shineſeld* Pariſh, one Mr. *Cuffil* a Jeſuit came into our Company. It was about the Tryal of *Colman*, and Mr. *Cuffil* did then ſay, That he thought Mr. *Colman* was infatuated upon the Diſcovery of the Plot, to give notice to Mr. *Harcourt*, Mr. *Ireland*, and Mr. *Fenwick*, and the other Jeſuits to burn or ſecure their Papers, and yet not to ſecure his own. My Siſter *Hall* was preſent at this Diſcourſe, and Mr. *Cuffil* did then further ſay, that *Bellarmine* did draw a ſentence out of the Scripture, to favour the Popes Authority of Excommunicating, Depriving, and Depoſing Temporal Princes, and the ſaying was this, *Quod Papa habeat eandem Poteſtatem ſuper Reges, quam Jehoiada habuit ſuper Athaliam.* And that there were other corroborating Teſtimonies among the Fathers for it.

Mr. *Treby*. My Lords, we deſire to ask him whether ever he heard of Mr. *Oates* being in the Plot, or being thought Truſt-worthy among them.

Mr. *Jeniſon*. Yes, *my Lords*, I did.

Lord High Steward. When did you hear it, and of whom?

Mr. *Jeniſon*. Of my Brother *Thomas Jeniſon* the Jeſuit.

Lord High Steward. When did he tell you ſo?

Mr. *Jeniſon*. About the latter end of *July* (78.) when there was a Diſcourſe of a Deſign, and that the greateſt *Papiſts* were in it; he ſaid Mr. *Oats* a Parſon newly come over to them was in that Deſign, I anſwered, I did wonder that he would truſt a reconciled Enemy; he anſwered, That being once reconciled, they were more Zealous and Truſty: I ſubmitted to his Opinion, and inſtanced in Dr. *Godwyn* and Dr. *Bayley* that were *Proteſtants*, and afterwards came over to the Church of *Rome*.

Mr. *Treby*. We have done with him my Lord.

L. H. S. Will your Lordſhip ask him any Queſtions my Lord *Stafford*?

Lord Stafford. No my Lord.

Sir *Fr. VVin*. My Lords, I would only obſerve the time when he ſays, his Brother told him of the Deſign, that it was about the time of the Muſtering of the Forces upon *Hounſlowe-Heath*, and that he was then told Mr. *Oats* was in the Plot; I only obſerve it now for the end of the Caſe in point of time.

Lord High Steward. He ſays it was in *July*.

Mr. *Jeniſon*. It was two Months after the Muſtering of the Forces, about the latter end of *July*.

Lord High Steward. Before the Diſcovery?

Mr. *Jeniſon*. Yes.

Lord High Steward. Did you know *Oats* at that time?

Mr. *Jeniſon*. No, *my Lords*, I was not acquainted with him.

Sir *John Trevor*. Did you not ſee him then?

Mr. *Jeniſon*. Yes, I ſaw him at *Ireland*'s Chamber.

Sir *John Trevor*. When was that?

Mr. *Jeniſon*. The latter end of *April*, or the beginning of *May*.

Lord High Steward. You ſay you did not know him in *July*; How then can you ſay you ſaw him before?

Mr. *Jeniſon*. I did not know him, I only ſaw him come into *Ireland*'s Chamber and whiſper for ſome time, two or three minutes, and then they told me, that that was Mr. *Oats* a Parſon newly come over to them, a brisk jolly man, and worthy my acquaintance.

Lord High Steward. Is this the ſame man you ſaw there?

Mr. *Jeniſon*. *My Lords*, I can't remember his face, for he was gone out when I was told of him.

Lord High Steward. Why, you know Mr. *Oats* now?

Mr. *Jen-*

Mr. *Jeniſon.* Yes, I do.

Lord High Steward. Do you know him to be the ſame man that you ſaw then?

Mr. *Jeniſon.* I can't tell that.

Sir *John Trevor.* My Lords, He ſays Mr. *Oats* only came in for three or four minutes and his back was towards him, and his Brother told him when he was gone, who it was.

Mr. *Jeniſon.* I only knew his Name from my Brother.

Mr. *Treby.* And I preſume your Lordſhips will obſerve this was at the very time of the Jeſuits Conſult.

Sir *John Trevor.* We deſire this Gentleman may tell your Lordſhips who his Brother is, and what Profeſſion he is of.

Mr. *Jeniſon.* My Brother was a Jeſuit brought up at St. *Omers.*

Lord High Steward. Your Brother is dead, and died in *Newgate*?

Mr. *Jeniſon.* Yes, he did ſo.

Lord High Steward. Pray recollect your ſelf again, When was it that you ſaw the man they called *Oats* at the Jeſuits Chamber?

Mr. *Jeniſon.* My Lords, It was in the year (78.) the latter end of *April* or the beginning of *May.* And I will tell you why I apprehend it to be that time; My Brother being a Prieſt lived with Sir *Philip Tyrwhitt* in *Lincolnſhire*, and in that year in *Lent* he came to Town with my Lady and that Family, and he and I uſed to Dine together at the Fiſh Ordinary at *Pedleys.* And about three weeks or a month after that time when he came to Town I was at Mr. *Ireland*'s Chamber, and there was a Gentleman whom they told me was *Oats.*

Lord High Steward. This you ſay was the latter end of *April*, or beginning of *May* (78) for the time is material, upon your Oath you ſay it?

Mr. *Jeniſon.* Yes *my Lords*, I do.

Lord High Steward. You ſay it was at *Ireland*'s Chamber?

Mr. *Jeniſon.* Yes, *my Lords.*

Sir *Fr. Win. My Lords*, will you give us leave to ask him one ſhort Queſtion, becauſe ſome of the Gentlemen doubt of it, we would ask it again, what his Brother was, whether he was a *Jeſuit* or no?

Mr. *Jenniſon.* I have heard him own it *my Lords.*

Lord High Steward. Whom do you call next, Gentlemen?

Mr. *Treby.* If it pleaſe your Lordſhips we ſhall in the next place produce our Evidences that are matters of Record and we deſire your Lordſhips advice and direction how we are to miniſter the ſame, whether your Lordſhips will have them all read, or but a word of them, and let them be left with your Lordſhips.

Lord High Steward. What Records are they?

Mr. *Treby.* They are the Records of the Attainder of *Colman*, *Ireland*, and the other Conſpirators.

Lord High Steward. The Fact is ſo notorious that they were Attainted and executed, that the reading of a word will ſerve the turn.

Sir *John Trevor.* Then we deſire they may be produced here, and the Copies proved upon Oath, and then we ſhall leave them upon your Lordſhips Table. And *my Lords* we deſire likewiſe at the ſame time to ſave another trouble, there may be delivered in the Convictions of *Reading*, *Lane*, *Knox*, and others.

Then Mr. Clare *was Sworn, and delivered in the Copies of the Records.*

Lord High Steward. What Record is that?

Mr

Mr. *Clare.* It is the Record of the Attainder of *Colman* for high Treaſon.

Lord High Steward. Did you examine it?

Mr. *Clare.* I did examine it.

Lord High Steward. Is it a true Copy?

Mr. *Clare.* To the beſt of my underſtanding it is. Here is likewiſe a Copy of the Record of the Conviction of *Ireland*, *Pickering*, and *Grove* for high Treaſon.

Lord High Steward. Is there Judgment of Attainder entred upon Record.

Mr. *Clare.* Yes *my Lords*, there is Judgment entred. Here is a Copy of the Indictment, Conviction, and Attainder of *Whitebread*, *Fenwick*, *Harcourt*, *Gavan*, and *Turner* for high Treaſon. Here is a Copy of the Record of Attainder of *Richard Langhorn* for high Treaſon. Here is a Copy of the Attainder of *Green*, *Berry*, and *Hill* for the Murder of Sir *Edmund-bury Godfrey*. Here is a Copy of the Conviction of Mr. *Nathaniel Reading*, for endeavouring to Suborn Mr. *Bedlow*, to retract his Evidence againſt ſome of the Lords in the *Tower*, and Sir *Henry Tichbourn*.

Lord High Steward. What is the Judgment there.

Mr. *Clare.* The Judgment is entred upon it, and 'tis to pay 1000 *l.* Fine, and to be put in, and upon the Pillory in the *Palace-Yard Weſtminſter* for an hour, with a Paper upon his head written in great Letters, *For endeavouring Subornation of Perjury*. Here is a Copy of the Record of the Conviction of *Taſbrough* and *Price*, for endeavouring to Suborn Mr. *Dugdale*, and Judgment entred upon it. And here is a Copy of the Record of Conviction of *Knox* and *Lane*, for Conſpiring to aſperſe Dr. *Oates* and Mr. *Bedlow*.

Here is the Record of the Conviction of *John Giles* for barbarouſly attempting to Aſſaſſinate *John Arnold* Eſq; one of His Majeſties Juſtices of the Peace; and the Judgment entred thereupon is, To ſtand three times in the Pillory, with a Paper on his Hat declaring his Offence, to pay 500 *l.* to the King, to lye in Execution till the ſame be paid, and find Sureties for his *Good Behaviour* during life.

Lord High Steward. Deliver them all in. And if my Lords have occaſion to doubt of any thing, being left in the Court they will be there ready to be uſed. (All which were then delivered in,)

Mr. *Treby.* My Lords, we humbly deſire that the Record of *Colman* may be read, becauſe there is more of ſpecial matter in it than any of the reſt, and your Lordſhips may diſpoſe of the others as you pleaſe.

Lord High Steward. Read the Record of *Colman*.

Then the Clerk read (in *Latin*) the Record of the Attainder of *Edward Colman*, formerly executed for high Treaſon, by him Committed in this horrid *Popiſh* Plot, which in *Engliſh* is as followeth, *viz.*

Of the Term of St. Michael *in the Thirtieth Year of the Reign of King* Charles *the Second*, &c.

Middleſex. AT another time, (to wit) on *Wedneſday* next after eight days of St. *Martin* this ſame Term, before our Lord the King at *Weſtminſter*, by the Oath of twelve Jurors, honeſt and lawful men of the County aforeſaid, Sworn and Charged to Enquire for our ſaid Lord the King and the Body of the County aforeſaid, it ſtands preſented, That *Edward Colman* late of the Pariſh of St. *Margaret Weſtminſter* in the County of *Middleſex* Gent. as a falſe Traitor againſt the moſt Illuſtrious, moſt Serene, and moſt Excellent Prince, our Lord *Charles* the Second, by the Grace of God of *England*, *Scotland*, *France* and *Ireland* King, Defender of the Faith, *&c.* and his Natural Lord, not having the fear of God in his heart, nor weighing the Duty of his Allegiance, but by the inſtigation of the Devil moved and ſeduced, the cordial love, and the true, due

and

and natural Obedience which true and faithful Subjects of our ſaid Lord the King towards Him our ſaid Lord the King, ought and of right are bound to bear, utterly withdrawing, and deviſing, and with his whole Strength intending the Peace and Common Tranquillity of this Kingdom of *England* to diſturb, and the true Worſhip of God within this Kingdom of *England* Practiſed, and by Law Eſtabliſhed to overthrow, and Sedition and Rebellion within this Realm of *England* to move, ſtir up, and procure, and the cordial love, and true and due Obedience, which true and faithful Subjects of our ſaid Lord the King towards Him our ſaid Lord the King ſhould bear, and of right are bound to bear, utterly to withdraw, blot out, and extinguiſh, and our ſaid Lord the King to death and final deſtruction to bring and put, the 29*th.* day of *September* in the 27*th.* year of the Reign of our Lord *Charles* the Second, by the Grace of God, of *England*, *Scotland*, *France* and *Ireland* King, Defender of the Faith, *&c.* at the Pariſh of St. *Margaret Weſtminſter* aforeſaid, in the County aforeſaid, falſly, maliciouſly, ſubtilly and traiterouſly propoſed, compaſſed, imagined and intended Sedition and Rebellion within this Realm of *England* to move, raiſe up and procure, and a miſerable ſlaughter among the Subjects of our ſaid Lord the King to procure and cauſe; and our ſaid Lord the King from His Kingly State, Title, Power, and Government of His Realm of *England* utterly to deprive, depoſe, deject and diſinherit, and him our ſaid Lord the King to death and final deſtruction to bring and put, and the Government of the ſame Realm and the Sincere Religion of God in this Kingdom, rightly and by the Laws of this Realm Eſtabliſhed, for his will and pleaſure to change and alter, and the State of this whole Kingdom in its univerſal parts well inſtituted and ordained, wholly to ſubvert and deſtroy; and War againſt our ſaid Lord the King within this Realm of *England* to levy: and to accompliſh and fulfil theſe his moſt wicked Treaſons and traiterous Imaginations and Purpoſes aforeſaid; The ſame *Edward Colman* afterwards, to wit, the ſaid 29*th.* day of *September*, in the aboveſaid 27*th.* year of the Reign of our ſaid Lord the King, at the Pariſh of St. *Margaret Weſtminſter* aforeſaid, in the County of *Middleſex* aforeſaid, falſly, ſubtilly and traiterouſly deviſed, compoſed and writ two Letters to be ſent to one Mounſieur *Le Cheſe* then Servant and Confeſſor of *Lewis* the *French* King, to deſire, procure and obtain to the ſaid *Edward Colman* and other falſe Traitors againſt our ſaid Soveraign Lord the King from the ſaid *French* King, his Aid, Aſſiſtance and Adherence, to alter the true Religion in this Kingdom then and ſtill Eſtabliſhed, to the Superſtition of the Church of *Rome*, and to Subvert the Government of this Kingdom of *England*: And afterwards, to wit, the ſaid 29*th.* day of *September*, in the aboveſaid 27*th.* year of the Reign of our ſaid Lord now King of *England*, *&c.* at the aforeſaid Pariſh of St. *Margaret Weſtminſter* in the County of *Middleſex* aforeſaid, falſly and traiterouſly deviſed, compoſed and writ two other Letters to be ſent of one Mounſieur *Le Cheſe* then Servant and Confeſſor of the ſaid *French* King, to the intent, that he the ſaid Mounſieur *Le Cheſe* ſhould intreat, procure and obtain to the ſaid *Edward Colman* and other falſe Traitors againſtour ſaid Soveraign Lord the King, from the aforeſaid *French* King, his Aid, Aſſiſtance and Adherence to alter the true Religion in this Kingdom of *England* then and ſtill Eſtabliſhed, to the Superſtition of the Church of *Rome*, and to Subvert the Government of this Kingdom of *England*; And that the aforeſaid *Edward Colman*, in further proſecution of his Treaſons and Traiterous Imaginations and Purpoſes aforeſaid afterwards, to wit, the ſame 29*th.* day of *September*, in the aboveſaid 27*th.* year of the Reign of our ſaid now Lord the King, the aforeſaid ſeveral Letters from the ſaid Pariſh of St. *Margaret Weſtminſter* in the County of *Middleſex* aforeſaid, falſly, ſubtilly and traiterouſly did ſend into Parts beyond the Seas, there to be delivered to the ſaid Mounſieur *Le Cheſe*; And that the aforeſaid *Edward Colman*, afterwards, to wit, the 1*ſt.* day of *December* in the 27*th.* year of the Reign of our Soveraign Lord *Charles* the Second now King of *England*, *&c.* at the aforeſaid Pariſh of St. *Margaret Weſtminſter* in the County of *Middleſex* aforeſaid, one Letter from the aforeſaid Mounſieur *Le Cheſe*, (in anſwer to one of the ſaid Letters (ſo by him the ſaid *Edward Colman* writ, and to the ſaid Mounſieur *Le Cheſe* to be ſent) firſt mentioned) falſly, ſubtilly and traiterouſly received, and that Letter ſo in anſwer received, the day and year laſt aboveſaid, at the aforeſaid Pariſh of St. *Margaret Weſtminſter* aforeſaid, in the County of *Middleſex* aforeſaid, falſly, ſubtilly and traiterouſly did inſpect and read over, and that the aforeſaid *Edward Colman*, the Letter aforeſaid ſo by him in anſwer received in his cuſtody and poſſeſſion the day and year laſt aforeſaid, at the aforeſaid Pariſh of St. *Margaret Weſtminſter*, in the County of *Middleſex* aforeſaid, falſly, ſubtilly and traiterouſly detained, concealed and kept; By which ſaid Letter the ſaid Mounſieur *Le Cheſe* the day and year laſt aboveſaid, at the aforeſaid Pariſh of St. *Margaret Weſtminſter*, in the County of *Middleſex* aforeſaid, ſignified and promiſed to the ſaid *Edward Colman*, to obtain for him the ſaid *Edward Colman* and other falſe Traitors

againſt our ſaid Lord the King, from the ſaid *French* King, his Aid, Aſſiſtance and Adherence; And that the aforeſaid *Edward Colman*, afterwards, to wit, the 10*th.* day of *December* in the aboveſaid 27*th.* Year of the Reign of our ſaid Sovereign Lord *Charles* the Second now King of *England*, *&c.* at the Pariſh of St. *Margaret Weſtminſter* aforeſaid, in the County of *Middleſex* aforeſaid, falſly, maliciouſly, ſubtilly and traiterouſly did relate and declare his traiterous Deſigns and Purpoſes aforeſaid, to one Mounſieur *Ruvigni*, (then Envoy Extraordinary from the *French* King to our ſaid moſt Serene King, at the Pariſh aforeſaid, in the County aforeſaid, reſiding) to move and excite him the ſaid Envoy Extraordinary with him the ſaid *Edward Colman*, in his Treaſons aforeſaid to partake: And the ſooner to fulfil and compleat thoſe his moſt wicked Treaſons and traiterous Imaginations and Purpoſes aforeſaid, he the ſaid *Edward Colman*, afterwards, to wit, the 19*th.* day of *December* in the aboveſaid 27*th.* year of the Reign of our ſaid Lord *Charles* the Second now King of *England*, *&c.* at the aforeſaid Pariſh of St. *Margaret Weſtminſter*, in the County of *Middleſex* aforeſaid, adviſedly, maliciouſly, ſubtilly and traiterouſly did deviſe, compoſe, and write three other Letters to be ſent to one Sir *William Throgmorton* Knt. then a Subject of our now Lord the King, of this Kingdom of *England*, and Reſiding in *France*, in Parts beyond the Seas to ſollicite him the aforeſaid Mounſieur *Le Cheſe* to procure and obtain of the ſaid *French* King his Aid, Aſſiſtance and Adherence aforeſaid. And thoſe Letters laſt mentioned, afterwards, to wit, the day and year laſt aboveſaid from the aforeſaid Pariſh of St. *Margaret Weſtminſter*, in the County of *Middleſex* aforeſaid, to the ſame Sir *William Throgmorton* in *France* aforeſaid, falſly and traiterouſly did ſend, and cauſe to be delivered, againſt the duty of his Allegiance, and againſt the Peace of our ſaid now Lord the King, His Crown and Dignity, and againſt the Form of the Statute in ſuch caſe made and provided. Wherefore it was commanded the Sheriff of the County aforeſaid, that he ſhould not omit *&c.* but that he ſhould take him, if *&c.* to anſwer *&c.* And now, to wit, on *Saturday* next after eight days of St. *Martin* this ſame Term, before our Lord the King at *Weſtminſter*, came the aforeſaid *Edward Colman* under the Cuſtody of *William Richardſon* Gent. Keeper of the Gaol of our ſaid Lord the King of *Newgate*, by vertue of the King's Writ of *Habeas Corpus ad Subjiciend' &c.* (into whoſe Cuſtody before then for the cauſe aforeſaid he was Committed) to the Bar here brought in his proper Perſon, who is Committed to the *Marſhal*, *&c.* and preſently of the Premiſſes to him above impoſed, being asked, How he will thereof be acquitted? Saith, That he is in no wiſe thereof guilty, and thereof for good and evil doth put himſelf upon the Country. Therefore let a Jury thereupon come before our Lord the King at *Weſtminſter* on *Wedneſday* next after fifteen days of St. *Martin*; and who *&c.* to recognize *&c.* becauſe *&c.* the ſame day is given to the ſaid *Edward Colman &c.* under the Cuſtody of the ſaid Keeper of the Gaol of our ſaid Lord the King of *Newgate* aforeſaid, in the mean time committed to be ſafely kept until *&c.* At which *Wedneſday* next after fifteen days of St. *Martin*, before our Lord the King at *Weſtminſter*, came the aforeſaid *Edward Colman* under Cuſtody of the aforeſaid Keeper of the Kings Gaol of *Newgate* aforeſaid, by vertue of a Writ of our Lord the King of *Habeas Corpus ad Subjiciend' &c.* to the Bar here brought in his proper Perſon who is committed to the aforeſaid Keeper of the Kings Goal of *Newgate* aforeſaid; And the Jurors of the Jury aforeſaid, by the Sheriff of the County aforeſaid, hereunto impannelled, being called, came, who being choſen, tried and ſworn to ſpeak the Truth upon the Premiſſes, ſay upon their Oaths, That the aforeſaid *Edward Colman* is guilty of the High Treaſon aforeſaid, in the Indictment aforeſaid ſpecified, in manner and form as by the ſaid Indictment above againſt him is ſuppoſed; and that the aforeſaid *Edward Colman* at the time of perpetration of the High Treaſon aforeſaid, or at any time afterwards had no Goods, Chattels, Lands or Tenements to the knowledge of the Jurors aforeſaid; And the aforeſaid *Edward Colman* being asked if he hath any thing, or knows what to ſay for himſelf, why the Court here ought not to proceed to Judgment and Execution of him upon the Verdict aforeſaid, ſaith nothing, but as before he had ſaid: And hereupon inſtantly the Attorney General of our ſaid Lord the King according to due form of Law, demandeth againſt him the ſaid *Edward*, Judgment and Execution to be had upon the Verdict aforeſaid, for our Lord the King. Whereupon all and ſingular the Premiſſes being viewed, and by the Court here underſtood: It is conſidered, That the ſaid *Edward Colman* be led by the ſaid Keeper of the Gaol of *Newgate* aforeſaid, unto *Newgate* aforeſaid, and from thence directly be drawn to the Gallows of *Tyburn*, and upon thoſe Gallows there be Hanged, and be cut down alive to the Earth, and his Entrals be taken out of his Belly and be Burned (he ſtill living): And that the Head of him be cut off, and that the Body of him be divided into four Parts: and that thoſe Head and Quarters be put where our Lord the King will aſſign them, *&c.*

Lord

Lord Stafford. I do not hear one word he ſays, *my Lords.*

Lord High Steward. My Lord, this does not concern your Lordſhip any further, than as to the generality of the Plot.

Sir *William Jones.* *My Lords*, we have now done with our Proofs for the firſt general head that we opened, which was to make it out, that there was a Plot in general. We now come to give our particular Evidence againſt this very Lord, and before we do begin, we think fit to acquaint your Lordſhips, that our Evidence will take up ſome time, if your Lordſhips will have the patience to hear it out now, we will give it; but if your Lordſhips will not ſit ſo long till we can finiſh it, it may be ſome inconvenience to us to break off in the middle. And therefore we humbly offer it to your Lordſhips conſideration, whether you will hear it now, or no.

Lord High Steward. If it cannot be all given and heard now, it were better all ſhould be given to morrow.

Sir *William Jones.* If your Lordſhips pleaſe then, we will reſerve it till to morrow.

Lord Stafford. My Lords, I would only have your directions, whether I ſhall Anſwer this general firſt, or ſtay till all be ſaid againſt me? That which I have to ſay to this general, will be very ſhort.

Lord High Steward. My Lord, you are to make all your Anſwer intire, and that is beſt for you.

Lord Stafford. I am very well contented, that I may be the better prepared for it.

Lord High Steward. Is it your Lordſhips pleaſure, that we ſhould Adjourn into the Parliament Chamber?

Lords. Ay, Ay.

Lord High Steward. Then this Houſe is Adjourned into the Parliament Chamber.

And the Lords went away in the ſame Order they came.

The Commons returned to their Houſe, and Mr. Speaker reſumed the Chair, and then the Houſe Adjourned to eight of the Clock the next morning.

The Second day.

Wedneſday December 1. 1680.

A Meſſage was ſent from the Lords by Sir *Timothy Baldwyn* and Sir *Samuel Clark.*

Mr. *Speaker*,

The Lords have ſent us to acquaint this Houſe, That they intend to proceed to the Tryal of *William* Viſcount *Stafford*, at Ten of the Clock this morning, in *Weſtminſter-Hall.*

Mr. Speaker left the Chair, and the Commons came into *Weſtminſter-Hall* in the new erected Court.

And the Managers appointed by the Commons went into the room prepared for them in that Court, to proceed to the particular Evidence againſt *William* Viſcount *Stafford.*

About Ten of the Clock in the morning the Lords came into the ſaid Court in their former Order, and Proclamation being made of Silence, and for the Lieutenant of the *Tower* to bring his Priſoner to the Bar, they proceeded.

Lord

Lord High Steward. My Lords expect you ſhould go on with your Evidence, and proceed in the Tryal of this Noble Lord.

Lord Stafford. My Lords, if your Lordſhips pleaſe, I humbly deſire that my Counſel may be near me for the Arguing of what is fit to them to ſpeak to, as to points of Law, for points of Fact I do not deſire it.

Lord High Steward. My Lord, you have an Order for your Counſel to attend, and they muſt and ought to attend.

Mr. Serjeant *Maynard.* The Counſel muſt not ſuggeſt any thing to him, while the Evidence is giving, they are not to be heard as to matter of Fact.

Lord High Steward. It is not intended to make uſe of Counſel, as to matter of Fact, but they may ſtand by.

Mr. Serjeant *Maynard. My Lords*, they may ſtand within hearing, but not within prompting.

Lord Stafford. I aſſure you if I had all the Counſel in the world, I would not make uſe of them for any matter of Fact.

Mr. *Treby. My Lords*, will you pleaſe to order them to ſtand at a convenient diſtance, that they may not prompt the Priſoner.

Sir *William Jones. My Lords*, I hope your Lordſhips will conſider, that a man in a Capital Cauſe ought not to have Counſel to matter of Fact. 'Tis true, he may adviſe with his Counſel, I deny it not; but for him in the face of the Court to communicate with his Counſel, and by them be told what he ſhall ſay, as to matters of Fact, is that which (with ſubmiſſion) is not to be allowed. If your Lordſhips order they ſhall be within hearing, I do not oppoſe it, but then I deſire they may ſtand at that diſtance that there may be no means of intercourſe, unleſs points in Law do ariſe.

Lord High Steward. You were beſt make that exception when there is Cauſe for it, in the mean time go on with your Evidence.

Sir *Francis Win.* We did perceive his Counſel came up towards the Bar, and very near him, and therefore we thought it our duty to ſpeak before any inconvenience happened. This Lord being accuſed of High Treaſon, the allowing of Counſel is not a matter of diſcretion. If matters of Law ariſe all our Books ſay, that Counſel ought to be allowed. But we pray that there may be no Counſel to adviſe him in matter of Fact, nor till your Lordſhips find ſome Queſtion of Law to ariſe upon the Evidence.

Lord High Steward. When there is Cauſe take the Exception, but they do not as yet misbehave themſelves.

Mr. *Treby. My Lords*, we preſume your Lordſhips did, from the ſtrength and clearneſs of yeſterdays Evidence, receive full ſatisfaction concerning the *general* Plot and Conſpiracy of the *Popiſh Party*.

donec Invincibly. It being an Evidence apparently invincible; not out of the mouths of *two* or *three* Witneſſes only, but of *twice* that number (or more), credible perſons.

Upon which we doubt not but your Lordſhips who *hear*, and Strangers and unborn Poſterity when they *ſhall* hear, will juſtifie this Proſecution of the Commons, and will allow that this Impeachment is the proper *voice* of the Nation crying out, as when the *knife* is at the throat. By the Evidence already given, I ſay, it is manifeſt that there was a general grand Deſign to deſtroy our *Religion*, our *King*, and his *Proteſtant* Subjects. And 'tis even impoſſible that this Deſign, ſo big, could be conducted without the *concurrence* of *ſuch* perſons as this Noble Lord at the Bar. It could not be carried on by *leſs* and *lower* men.

And it were a *wonder*, that a perſon ſo fervently affected and addicted (as this Lord is) to that Party, ſhould not be *in*, at ſo general a Deſign of the Party.

But this indeed is but *preſumptive* Evidence which will induce a *moral* perſuaſion.

We ſhall now produce ſuch *poſitive* Evidence as will make a *judicial* certainty;

tainty; and will abundantly ſuffice to *convince* your Lordſhips and *convict* this Lord.

The *Particulars* you will hear out of the mouths of the Witneſſes, whom we ſhall call: They will Teſtifie what ſhare this Lord had in (almoſt) all the Parts and Articles in our Charge; Contriving and Contracting for the *Murder of the King*, levying *Arms &c.* And firſt we call Mr. *Dugdale.*

Lord Stafford. My Lords, I do conceive I have good ground to except againſt this man for a Witneſs; for my own particular, I know my ſelf as clear and free as any one here, but I will not except againſt him now, but reſerve it againſt the time when I come to make my Defence, and therefore admit him to be Sworn, provided, my Lords, that he look me full in the face. ante p. 17.

Lord High Steward. My Lord *Stafford*, What is your Exception againſt this man that he may not be a Witneſs?

Lord Stafford. I do admit him to be Sworn, I ſay nothing now againſt him.

Mr. *Treby.* He is Sworn already.

Lord High Steward. You Swore him to give Evidence as to the general Plot; You did not Swear him as to the particulars againſt my Lord *Stafford.*

Sir *John Trevor.* We are content he ſhall be Sworn again, we pray he may be Sworn.

Sir *William Jones.* 'Tis true, *My Lords*, we did divide the Evidence into two parts, but his Oath was not divided; If your Lordſhips pleaſe you may Swear them all over again, if it may be any ſatisfaction, but I think it was never ſeen before.

Then Mr. *Dugdale* was Sworn.

Lord High Steward. There is Mr. *Dugdale*, come Sir, What ſay you?

Lord Stafford. Really he is ſo changed I do not know him.

Mr. *Dugdale.* My Lord, I have Witneſſes to prove that you know me.

Lord Stafford. I beg your Lordſhips that he may look me in the face and give his Evidence, as the Law is.

Sir *John Trevor. My Lords*, If this Noble Lord the Priſoner at the Bar will have this Witneſs to look him continually in the face, the Court will not hear half his Evidence; We deſire he may Addreſs himſelf as the Law is to your Lordſhips and the Judges.

Lord Stafford. I deſire the Letter of the Law, which ſays, my Accuſer ſhall come face to face.

Mr. *Dugdale. My Lords*, I am willing to do as your Lordſhips ſhall order.

Lord High Steward. My Lord, You do ſee the Witneſs, that is enough for face to face, and you make no legal exception againſt him, why he ſhould not be heard.

Lord Stafford. Very well my Lord, I ſubmit.

Mr. *Dugdale.* My Lords, I have for ſome years paſt whilſt I was a Servant with my Lord *Aſton*, been Acquainted and frequently had Diſcourſes with my Lord *Stafford*, before we came to Diſcourſe any thing concerning the Plot on foot. Lately in (78.) my Lord coming down into the Countrey, it was either in *Auguſt* or *September*, the latter end of *Auguſt* or the beginning of *September*——

Lord Stafford. I beſeech your Lordſhips he may name the times.

Lord High Steward. My Lord, if your Lordſhip pleaſe do not interrupt the Witneſſes, but wherein he is ſhort, do you ask him the Queſtion when it comes to your turn, I will bring it to as much certainty as I can.

Mr. *Dugdale.* There was a meeting at *Tixal* where there were ſeveral preſent——

Lord High Steward. When?

Mr. *Dugdale.* It was in *September* or the latter end of *Auguſt.*

Lord High Steward. What year?

Mr. *Dugdale.* (78.) *My Lords*, I had then by Mr. *Evers* means, admittance to hear, becauſe of my incouragement, what the Diſcourſe was at that time. It was to debate and determine upon the former Reſolutions both beyond Sea and at *London*, before both to take away the life of the King, and to introduce their Religion, of which I was then one. My Lord *Stafford* was there preſent, and did with the reſt conſent to it. Afterwards my Lord *Stafford* being at one Mr. *Abnetts* of *Stafford* one *Sunday* morning in *September*, came to my Lord *Aſton*'s Houſe to Maſs: I met with my Lord *Stafford* at ſome diſtance from the Gate, and my Lord ſpeaking to me when he alighted off from his Horſe, told me, it was a very ſad thing they could not ſay their Prayers, but in an hidden manner, but e're long we ſhould have our Religion Eſtabliſhed; which was much to my joy at that time. After that time my Lord *Stafford* was ſometimes at *Stafford*, and ſometimes at *Tixal*, I will not be poſitive as to a day, but I think it was about the middle of *September*: My Lord *Stafford* ſent for me to his Lodging Chamber, as he had ſeveral times before ſent for me: and ſaid, he had had great Commendations of me from Mr. *Evers* that I was Faithful and Truſty.

Lord Stafford. *My Lords*, I deſire I may have Pen, Ink and Paper allowed me.

Lord High Steward. Ay, God forbid you ſhould be denied that; Give my Lord Pen, Ink and Paper: I hope your Lordſhip hath one to aſſiſt you that takes Notes for you, if you have not, you have loſt a great deal of time already.

Lord Stafford. There was one all day yeſterday *my Lords*, I deſire he may ſpeak his Evidence over again.

Lord High Steward. Let him begin his Evidence again, for my Lord had not Pen, Ink nor Paper which he ought to have, to help his Memory.

Mr. *Dugdale.* I may miſs as to the words, but the matter of Fact I ſhall repeat; *My Lords*, I have been frequently acquainted whilſt I was a Servant at my Lord *Aſton*'s with my Lord *Stafford*, coming to my Lords Houſe in the Country, and my Lord being ſeveral times there I came to that Intimacy by Mr. *Evers* means, that my Lord would frequently diſcourſe with me. About the latter end of *Auguſt* or ſome day in *September*, my Lord *Stafford*, my Lord *Aſton* and ſeveral other Gentlemen, were in a Room in my Lord *Aſton*'s Houſe, and by the means of Mr. *Evers* I was admitted to hear for my incouragement; and there I heard them in that Debate at that time fully determine a Reſolution upon all the Debates that had been beyond Sea and at *London* before, That it was the beſt way they could reſolve on to take away the life of the King, as the ſpeedieſt means to introduce their own Religion. After ſome time my Lord being at *Stafford* at Mr. *Abnets*——

Lord High Steward. Was my Lord *Stafford* at that meeting, where they Debated to kill the King?

Mr. *Dugdale.* My Lord was there.

Lord High Steward. Was he Conſenting to that Reſolution?

Mr. *Dugdale.* Yes, I heard every one give their particular full aſſent.

(*At which there was a great Hum.*)

Lord High Steward. What is the meaning of this? For the honour and dignity of Publick Juſtice, let us not carry it as if we were in a Theatre.

Mr. *Dugdale.* *My Lords*, Some times in *September*, my Lord *Stafford* being at Mr. *Abnetts* Houſe in *Stafford*, came once upon a *Sunday* morning to hear Maſs:

Maſs: I meeting him at the outward Gate of my Lord *Aſton*'s Houſe when he alighted off his Horſe, after ſome Diſcourſe he turned to me, and told me, It was a ſad thing we could not ſay our Prayers but in an hidden manner, but e're long if things took effect we ſhould have the *Romiſh* Religion Eſtabliſhed. And I at that time did ſeem to be, and really was as glad as any Perſon could be. After ſome time, I think it was about the 20*th*. or 21*th*. of *September* my Lord *Stafford* ſent for me into his Lodging Room, I think it was by his Page or him that waited upon him in his Chamber: and he told me I muſt come to my Lord, and I immediately went to his Lordſhip, he was juſt then Ariſing and Dreſſing, he ſent his men out, and told me, he had had a good Accompt from Mr. *Evers* and other Gentlemen that I would be faithful and true to their Intentions about the introducing their Religion. He told me, he was likewiſe concerned himſelf, and that in a very high degree: and for taking away the life of the King, he offered me at that time for my Charges and Incouragement 500 *l.* and that I ſhould go in *October* after, to *London* with him (my Lord *Stafford*) and that I ſhould be with him ſometimes at *London*, and ſometimes at an Houſe of my Lord *Aſton*'s about twenty five miles from *London*, and that I ſhould be under the Care of him in *London* and Mr. *Ireland*, and in the Country, of one Mr. *Parſons* that knew of the Deſign. I did then ſhew as much reſolution to be faithful to my Lord as I could, and that I would be true to what my Lord then ingaged me. I after went to Mr. *Evers* and communicated to him what my Lord *Stafford* ſaid, and was ſomething in admiration at my Lord's offering me ſuch a Sum of Money, for I doubted of my Lords ability to make good payment. He told me, that I need not fear it, for Mr. *Harcourt* and Mr. *Ireland* had Money enough in their hands to defray that and other Charges, and I ſhould not want Money for the carrying it on. *My Lords*, I remember that at another time there was a meeting wherein there was a Debate about my going up, and other buſineſſes; my Lord *Stafford* was preſent, and there were ſeveral there beſides, I did not know them all then; but in the firſt place they told me I ſhould be made equal with one Captain *Adderly* that is ſince dead, and that I ſhould have a reward in *London*: I underſtood that the Duke of *York*, my Lord *Arundel* and my Lord *Bellaſis* and others were to give me it; and ſpeaking of the Rewards to thoſe that were ingaged, they ſaid, there would be Land enough from the *Proteſtants* to ſatisfie all that acted in the Deſign. Another time my Lord *Stafford* diſcourſing in a Dining Room in my Lord *Aſton*'s Houſe, did expreſs his great Zeal, and the reaſon why he was ſuch an Enemy againſt the King: he ſaid, both he and my Lord *Aſton* had been great Sufferers for the King, and for his Father, and that my Lord in particular his Grandfather or his Father had ſpent 30000 *l.* in the Kings Service, and had no Recompenſe, that he had always ſhewed himſelf Loyal to the King, but whenever there came any place of Preferment to be diſpoſed of, it was rather given to ſuch a had been Traytors and Rebels to the old King and likewiſe to the King himſelf than to any that had been Loyal. He ſaid, this was his chief Motive, if there were not Religion in the Caſe, which was of an higher nature, or to that purpoſe.

Lord High Steward. When was this laſt Diſcourſe?

Mr. *Dugdale.* In *September* (78.) as near as I remember, for we had ſeveral Diſcourſes.

Lord High Steward. This was not the time you were at my Lords Chamber.

Mr. *Dugdale.* No it was in my Lord *Aſton*'s Dining Room.

Lord High Steward. No, nor when he ſent for you to offer you the 500 *l.*

Mr.

Mr. *Dugdale.* No, not at that time, it was another time.

Lord High Steward. What Month and Year?

Mr. *Dugdale. September* (78.) my Lord.

Mr. *Foley.* I desire he may give your Lordships an account what assurance he had of Pardon, if he did succeed.

Mr. *Dugdale.* I was told I need not fear, and particularly my Lord *Stafford* told me, I should have a free Pardon for it, for the King had been Excommunicated, and was likewise a Traytor, and a Rebel, and an Enemy to Jesus Christ.

Lord High Steward. But how could you be Pardoned? From whom were you to have that Pardon?

Mr. *Dugdale.* I was to be Pardoned by the Pope.

Lord High Steward. That was for your Sins?

Mr. *Dugdale.* Yes, I expected no other if I had gone on.

Mr. *Treby.* Were you promised nothing else but a Pardon from the Pope?

Mr. *Dugdale.* Yes, I was to be Sainted.

Sir *William Jones.* Will his Lordship please to ask him any Questions, we ask him no more.

Mr. *Foley.* Yes, I desire another Question may be asked him, that he would give an account of the Letters my Lord *Stafford* writ to *Evers* about the Design.

Lord High Steward. What say you to that Question?

Mr. *Dugdale.* There came a Letter to *Evers* from my Lord *Stafford* I knew it to be my Lords hand, some might counterfeit his hand, but as near as a man can Swear to the hand of another in a Paper he did not see written, that was my Lords hand; That things went all well beyond Sea, and so he did hope they did here for the carrying on of the Design, it was to this purpose expresly.

Mr. *Treby.* We have done my Lords with him.

Lord High Steward. My Lord *Stafford*, will you ask him any Questions?

Lord Stafford. My Lords, I have divers Questions to ask him, very many, but I humbly crave your Lordships directions, if I askt him any Questions now, whether I may not ask him some afterwards.

Lord High Steward. My Lord, you may ask Questions of the Witnesses as often as you please, and when ever you find it useful to you, God forbid there should be any time to foreclose a man from asking a Question that may save his life.

Lord Stafford. I pray he may be asked how long before this time he knew of the Plot.

Lord High Steward. How long have you known this Plot?

Mr. *Dugdale.* In general, for the introducing of the Popish Religion, and the incouragement to it by the Duke of *Yorks* being Successor, I have known it 15 or 16 years by the means of Mr. *Evers.*

Lord Stafford. My Lords, I understand him, he says, he knew of the Plot 15 or 16 years ago, if I be not mistaken, he says so.

Mr. *Dugdale. My Lords*, If your Lordships please to give me leave to explain my self further, it was not for taking away the life of the King, but for making ready against the King died with Men and Arms.

Lord Stafford. My Lords, he says, in the latter end of *August*, or beginning of *September*, I told him such and such things, I desire he may name the day, that may be many days, and I may prove I was not there, and I can prove for all *August* and a good while in *September*, therefore I desire he may name the day.

Lord

L. H. Steward. My Lord *Stafford*, I come thus near on purpoſe to ſerve your Lordſhip, that you may not ſtrain your Voice too much, but I am not ſo happy as to apprehend what it is you ſay.

Lord *Stafford. My Lords*, I ſay, he ſpeaks of the latter end of *Auguſt*, or beginning of *September*, which is too great a Latitude, and I conceive more than ought to be given in ſuch a matter of importance as this is to me; I deſire he may name the day, for he may name days perhaps that I was not there.

L. H. Steward. Look you, Mr. *Dugdale*, my Lord does deſire, if you can, you would be a little more particular than about the latter end of *Auguſt*, or the beginning of *September*, if you can remember the day tell it us.

Mr. *Dugdale.* I cannot remember particular days, it being a thing I then took no account of, only this I do remember by a remarkable circumſtance, that one time was either the 20*th* or 21*th* of *September* (78.)

L. H. Steward. That was the time of your coming into his Chamber, and his offering you five hundred pound?

Mr. *Dugdale.* It was ſo, but other meetings I dare not charge to a day.

Lord *Stafford.* How then can I make my defence?

Mr. *Dugdale.* I will ſtand to that time.

Lord *Stafford.* How, *My Lords*, can I be able to give an account of it? I ſhall prove to your Lordſhips, that he once ſaid it was in *Auguſt*, now he ſayes it was in *Auguſt* or *September*. I beſeech you, that he may poſitively ſtand to the Month, if not to the day.

Mr. *Dugdale.* I ſpeak as near as I can.

Lord *Stafford.* But he ſayes the 20*th* or 21*th* particularly.

Mr. *Dugdale.* Thereabouts I am ſure it was.

Lord *Stafford.* Look you, he will be poſitive in nothing.

Mr. *Dugdale.* I will ſtand to that time.

Lord *Stafford.* If he ſwears falſe in one thing, I hope upon proof of that your Lordſhips will believe he may be falſe in all. I pray he may be asked, what hour of the day it was, whether it was Morning or Afternoon.

L. H. Steward. He is poſitive only to the 20*th* or 21*th* of *September*, the time when he ſayes you called for him into your Chamber, and offered him five hundred pound to kill the King; would your Lordſhip ask him whether it were in the Forenoon or the Afternoon?

Lord *Stafford.* Yes, my Lord, I would.

L. H. Steward. Was it in the Forenoon, or in the Afternoon?

Mr. *Dugdale.* It was in the Forenoon; for I did formerly ſpeak of that, he was dreſſing himſelf when I came in.

L. H. Steward. Then that is anſwered poſitively.

Lord *Stafford. My Lords*, he ſayes one *Sunday* Morning I came to my Lord *Aſtons* to Maſs, I deſire you would pleaſe to ask him, whether ever he ſaw Mr. *Evers* and me in his life alone together?

L. H. Steward. Have you ſeen my Lord *Stafford* and Mr. *Evers*, ever together alone?

Mr. *Dugdale.* Several times I have ſeen them walking together in the Garden, and in the Walks, at my Lord *Aſtons*; and I have been with them my ſelf when there hath been only them two beſides.

L. H. Steward. That is anſwered fully; will your Lordſhip ask him any thing elſe?

Lord *Stafford.* He ſayes he was to go to *London* in *October* with me, I ſtand not upon that till I come to make my Anſwer; but I take it, he ſayes, the 20*th* or 21*th* of *September*, when I offered him five hundred pound, in my Chamber, to kill the King, that he went preſently to *Evers* to ſpeak with him about it.

L. H. Steward. As doubting the payment of the money, and he told him, that *Harcourt* and *Ireland* would pay it.

Lord *Stafford.* Was it the ſame day, pray ask him, *My Lords?*

Mr. *Dugdale.* I do not ſay it was the ſame day, but it was the next time I could come to ſpeak with him.

L. H. Steward. He tells you it was as ſoon as he could ſpeak with him.

Lord *Stafford.* He ſaid before it was preſently after he went from me. I deſire your Lordſhips would take notice how he contradicts himſelf in every circumſtance.

L. H. Steward. What ſay you, Did you go preſently to Mr. *Evers* after my Lord *Stafford* had made the offer? Or was it the ſame day or the next day?

Mr. *Dugdale.* To the beſt of my remembrance it was the ſame day; I can't ſay poſitively.

Lord *Stafford.* *My Lords*, I have no other Queſtions with *Dugdale.*

Sir *John Trevor.* Then *My Lords*, we will call another Witneſs.

L. H. Steward. Have you no more to ſay to *Dugdale*, my Lord?

Lord *Stafford.* Not at preſent till I come to make my defence.

L. H. Steward. God forbid, but you ſhould have leave to ſay all that you can for your ſelf.

Mr. *Treby.* Then ſet up Dr. *Oats.* Do your Lordſhips require that he ſhould be ſworn again?

Lord *Stafford.* I deſire nothing, nor propoſe it, if he will declare upon his Oath that he took Yeſterday.

L. H. Steward. Heark you Dr. *Oats*, This is but a continuation of the proceedings Yeſterday, you are upon the ſame Oath now that you were then, and what you ſay this Morning will be taken to be upon the ſame Oath.

Mr. *Treby.* Dr. *Oates*, upon the Oath you have taken Yeſterday ----

L. H. Steward. Pray ſwear him again (*which was done.*)

Mr. *Treby.* Dr. *Oates*, Pray ſpeak your knowledge of my Lord *Staffords* being ingaged in the deſign.

Dr. *Oates.* I deſire I may be left to my own method.

L. H. Steward. Go on in your own method.

Dr. *Oates.* *My Lords*, in the Year (67.) there were divers attempts upon the life of the King as the Jeſuits told me, and in the Year (74.) there was an attempt upon the account of the Kings withdrawing the Indulgence in (74.) and (75.) in the Year 1677. whilſt I was in *Spain* I met with ſeveral Letters ſigned *Stafford*, wherein my Lord *Stafford* did aſſure the Jeſuits in *Spain*, that were of the Iriſh Nation, how zealous he ſhould appear in the promoting of the Catholick Deſign, *My Lords*, In the year (77.) I went to St. *Omers*, and I came there in *December*. *My Lords*, In that Year I being ordered to look over the Papers and put them in order; I found ſeveral Letters ſigned *Stafford*, wherein my Lord *Stafford* did intimate to the Fathers that whereas there had been ſome difference betwixt him and the Society, for ſeveral Years the buſineſs was reconciled, by one Seignior *Con*, who came over into *England* in the Year (76.) to reconcile the great difference that was betwixt the Jeſuits and the ſecular Clergy, and between the Benedictine Monks and the Jeſuits. *My Lords*, My Lord *Stafford* upon the perſwaſion of this Seignior *Con*, as he does intimate in his Letter, does aſſure the Jeſuits of his fidelity and his Zeal. *My Lords*, in the Year (78.) I found Letters from my Lord *Stafford* wherein he does blame Mr. *Colmans* openneſs, and his being too publick in the great Affair, and that Mr. *Colman* was pleaſed to communicate ſeveral great ſecrets to men, of whoſe Fidelity his Lordſhip was not ſecure. *My Lords*, In 1678. in the Month of *June*, my Lord *Stafford*, the Priſoner at the Bar, came to Mr. *Fenwick*, and there received a Commiſſion

Commiſſion from him to pay an Army that was to be raiſed for the promoting of the Catholick Intereſt, and he did aſſure Mr. *Fenwick* that he was going down into *Staffordſhire*, and there he did not Queſtion but he ſhould have a good Account how the Catholicks ſtood affected, and he did not Queſtion, but to give a good Account how Affairs ſtood in *Staffordſhire*, *Shropſhire*, and *Lancaſhire*, and this Commiſſion to my Lord *Stafford* was as near as I can remember, to be Pay-Maſter-General of the Army. *My Lords*, Among other Diſcourſes with my Lord at the Bar, he was diſcourſing about my Lord Duke of *Norfolk*, and my Lord *Arundel* his Son, and after ſeveral other paſſages, he (*Fenwick*) was asking of him how my Lord *Arundel* came to have a Jeſuit in his Houſe. My Lord *Stafford* did ſay, that my Lord of *Peterborough*, his Father in-Law, was inſtrumental in it
193. on purpoſe to oblige the Duke of *York*; for my Lord *Arundel*, as I have been told, kept Father *Symonds* in his Houſe, who to my knowledge was a Jeſuit. But *My Lords*, he came to Mr. *Fenwicks* (my Lord *Stafford* did) by the name of Mr. *Howard* of *Effingham*.

L. H. Steward. Were you at *Fenwicks* when my Lord *Stafford* came to his Chamber?

Dr. *Oates.* Yes, *My Lords.*

Lord High Steward. Look upon my Lord *Stafford*, is that the ſame Perſon?

Dr. *Oates.* It is the ſame Gentleman that came there by the name of *Howard* of *Effingham.*

L. H. Steward. And he took the Commiſſion?

Dr. *Oates.* Yes, he did ſo.

L. H. Steward. And he promiſed to effect it?

Dr. *Oates.* Yes, And he ſaid that he was then going down into the Country, and he did not doubt but at his return *Grove* ſhould do the buſineſs.

L. H. Steward. Who ſaid ſo, *Fenwick?*

Dr. *Oates.* No, my Lord *Stafford.* And ſayes *Fenwick* to my Lord *Stafford* again, Sir, 'tis fit that ſome ſhould be here preſent leaſt you fail of your Expectation, or to that purpoſe. 'Tis two Years ſince, and I cannot remember the words, but my Lord *Stafford* did ſay, he was of neceſſity to go into the Country at that time. And there he did write a Letter to St. *Omers*, in which he did excuſe himſelf about a Young man that was to be ſent to the Jeſuits Colledge, whom he had taken care of another way. And he deſired their excuſe, but he would be as faithful to them as any body for all that. And the ſame hand that wrote that Letter, by all the comparing I could make in my thoughts, wrote all the other Letters that I ſaw at St. *Omers*, and in *Spain*. *My Lords*, I ſaw my Lord *Stafford* at Dr. *Perrotts*, I think verily it was in *June* or *July* (78.) it was before the riſing of the Parliament, that ſat that Summer, and my Lord *Stafford* was diſcourſing of a Son he was to ſend over to *Lisbon*, and he went over by the name of Sir *John Stafford*. And after this Diſcourſe was over they fell into a Diſcourſe of the Affairs in hand, and my Lord was mighty glad there was ſo good a Correſpondence and Concord; though *My Lords*, it was not very great, for the Jeſuits have an irreconcilable Quarrel with the reſt of the Clergy. But my Lord did hope that their fair Correſpondence might tend highly to the advancing the Catholick Cauſe. But *My Lords*, I have one thing more to ſpeak as to the Diſcourſe at *Fenwicks* Chamber, ſpeaking of the King, he ſaid, he hath deceived us a great while, and we can bear no longer.

L. H. Steward. Who ſaid ſo?

Dr. *Oates.* My Lord *Stafford*, the Gentleman at the Bar.

L. H.

L. H. Steward. When was that? At Dr. *Perrott's*?

Dr. *Oates.* No, I ſpeak of a paſſage at *Fenwick's*, which I had forgot. *My Lords*, this is all I can remember at preſent.

Mr. *Foley.* My Lords, I deſire he may give an account what Letters my Lord *Stafford* ſent to *Fenwick* and *Ireland*, to pay Money?

Dr. *Oates.* There was ſome Money returned, but it was no great ſumm, and it was about private buſineſs; Mr. *Morgan* was to receive it; I chanced to have the Money in my own keeping; Mr. *Fenwick* gave it me to pay to Mr. *Morgan*, and the Letter in which the ſumm was mentioned did give them an account (for it was out of *Staffordſhire*) that he found things ſtand in a very good ſtate there; but I being not within, Mr. *Morgan* called on Mr. *Fenwick* for the Money, which I returned to him when he had paid it.

Lord *Stafford. My Lords*, I do in the firſt place deſire to know where Mr. *Fenwick* lived.

L. H. Steward. Where did Mr. *Fenwick* live when you ſaw my Lord at his Chamber, and the Commiſſion delivered?

Dr. *Oates.* His Lordſhip, I ſuppoſe, knows very well where he lived, he lived in *Drury-lane.*

Lord *Stafford.* I will ſubmit to any thing, if I ever ſaw the man or heard of him till the diſcovery of the Plot. 7.

Dr. *Oates.* He came to him by the name of *Thompſon.*

L. H. Steward. Your Lordſhip does not obſerve, your Lordſhip ſays that you never knew any *Fenwick*, but your Lordſhip knew one *Thompſon*, and that *Thompſon* was *Fenwick.*

Lord *Stafford.* I did know one *Thompſon*, but that *Thompſon* I knew, was an *Engliſh* Merchant in *Bruſſels*, and not a Jeſuit.

Dr. *Oates.* I can't ſay what my Lord knows, that he knew *Fenwick* to be a Jeſuit, but he knew one *Thompſon* that was *Fenwick* the Jeſuit.

Lord *Stafford.* I never heard of the name till this Plot.

Dr. *Oates.* But, if your Lordſhips pleaſe, I will give you a reaſon why I believe he knew him to be a Jeſuit, becauſe the Society was very often in their mouths in their Diſcourſes, which gives me a ground to believe he knew him to be what he was; but my Lord, he took his Commiſſion from him.

Lord *Stafford.* I deſire he may be asked ——

L. H Steward. Good my Lord raiſe your voice, for I am come half way to hear you.

Lord *Stafford.* Pray my Lords give me leave to ask him whether Dr. *Oates* hath not ſaid ſeveral times ſince I was firſt Impriſoned, that he never ſaw me in his life. I think I was Impriſoned the 21th of *October* (78.)

Dr. *Oates. My Lords*, I never ſaid any ſuch thing.

Lord *Stafford.* I will willingly dye if ever I ſaw this Doctor in my life.

Dr. *Oates.* I excuſe my Lord for that, for I was in another habit, and I went by another Name, and your Lordſhips do remember I came in another habit to make the firſt diſcovery.

Lord *Stafford.* My Lord, I never ſaw his face, nor know him, nor *Fenwick*, or *Thompſon*, otherwiſe than one *Thompſon*, a Merchant at *Bruſſels.*

Dr. *Oates.* But, *My Lords*, I have one thing more to ſay of my Lord *Stafford*; My Lord *Stafford* went into *France*, I can't ſay the year, but I believe it is within the term of 6 or 7, but he went over to *France*, and it did appear by Letters from him, that Seignior *Con* was made choice of to heal the difference between the Regulars and the Seculars, and Seignior *Con* did come over in the year (76.) and there did make a kind of a peace among them which laſted whilſt *Con* ſtayed here, and *Con* did bring over

Meſſages

Meſſages, to which my Lord *Stafford* (if he tells any truth in his own Letter) did return anſwers.

Lord *Stafford*. For the preſent all I ſay to it is this, I never writ any one Letter this 25 years, nor had any correſpondence with any Jeſuit.

L. H. Steward. I beſeech you, my Lord, make me capable of ſerving your Lordſhip, by letting me hear what you ſay.

Lord *Stafford*. My Lord, I have a great Cold, and can ſpeak no louder, I deſire to ask this Witneſs no more Queſtions at preſent; but I ſay I never writ any Letters to any Prieſt this 25 years.

Mr. *Foley*. Then, *my Lords*, if my Lord hath done, we will call another Witneſs, and that is Mr. *Edward Turbervile*. (*Who was ſworn.*)

L. H. Steward. Look upon the Priſoner. Do you know my Lord *Stafford*?

Mr. *Turbervile*. Yes, my Lord.

L. H. Steward. Raiſe your voice, and ſpeak deliberately.

Mr. *Treby*. Give an account of your knowledge, and uſe your own method.

Mr. *Turbervile*. *My Lords*, In the Year 1675. I was perſwaded by my Lady *Powis*, and one *Morgan* that was Confeſſor to the Family, to go to *Doway*, in order to take upon me the Fryars Habit. When I came there, inſtead of Religion, I found nothing but Hypocriſie and Villainy among them, and quickly grew weary of ſtaying there, and with much difficulty I eſcaped thence to go for *England*; when I came into *England*, I did not think that my Friends would look unkindly upon me, becauſe I refuſed to live in that way that they propoſed to me to live in. I uſed all the means I could to have them reconciled, and made applications to them, that ſince I could not bear with the life they would have had me lived in, they would contrive ſome way for me, being a younger Brother, that I might live in the world; but they were ſo averſe and inveterate againſt me, that they told me, inſtead of doing any thing for me, they would do me all the miſchief and prejudice they could; and having lived all my time among them, I thought the world would receive a Character of me from them who were my Relations, as they would pleaſe to repreſent it; ſo having no hopes in *England* I took a reſolution to go into *France*, where I had a Brother that was a Benedictine Monk, and I hoped that he being in good repute amongſt them, might be able to do me ſome ſervice there. When I came to *Paris*, my Brother uſed all the endeavours imaginable to get me to be of that Order; but I having ſo ill a conceit and opinion of the Order that I was in before, and thinking all the reſt were the ſame, I was unwilling at all to enter into it. And after I had ſtaid there a while I reſolved to come over into *England*. My Brother uſed all the means he could for my accommodation, and recommended me to this Noble Lord the Priſoner at the Bar, who lodged then at a corner houſe in a Street which, as I remember, bears the name of *La Rue de Beaufort*, where I was ſeveral times with him in order to come over with him in the Yacht for *England*. After I had been there for a fortnight with this Lord, he underſtanding my condition, by my Brother, and by the other Fathers of that Convent, and imagining I was a fit inſtrument to be employed on ſuch an occaſion, propoſed to me a way whereby, as he ſaid, I might not only retrive my reputation with my Relations, but alſo make my ſelf a very happy man; and after having exacted from me all the obligations of ſecreſie which I could give him, he at length told me in direct terms, it was to take away the life of the King of *England*, who was an Heretick, and conſequently a Rebel againſt God Almighty. I looked upon it as an extraordinary attempt, and deſired time to conſider of it before I would undertake it. And I gave him this anſwer, I would give him my reſolution at *Diep*, where we were to go on

board for *England*. And when I came to take my leave of this Noble Lord at the Bar, he was ſitting upon a bench, and he was troubled with the Gout in his Foot at that time. And he told me he had ſome buſineſs to go to *Verſailles*, and that he ſhould not be in ſix or ſeven days at *Diep*, where I was to wait for him. After a while, I received a Letter at *Diep* from his Lordſhip, wherein he writ me word, That he had altered his reſolution, and would go by the way of *Calice*, and that I ſhould haſten to wait on his Lordſhip at *London*. I have one thing more to obſerve to your Lordſhips, When I got paſſage from *Diep*, in a Fiſher-boat for *England*, I never came near my Lord *Stafford*, becauſe being not willing to undertake his propoſal, I thought my ſelf not ſafe, even from my own Relations, and therefore I made my applications to the Duke of *Monmouth*, and his Grace was pleaſed by Letter to recommend me into the *French* ſervice, and by that means I avoided his Lordſhips further importunity.

L. H. Steward. You ſay my Lord did propoſe to you the Killing of the King; did he plainly make the propoſal in direct terms to Kill the King?

Mr. *Turbervile.* Yes, he did, my Lord.

L. H. Steward. What did he offer you to do it?

Mr. *Turbervile.* Nothing, for I would not accept of it. I told him it was a matter of great concernment, and I ought to conſider of it, and I took time to think of it, and would give him my anſwer at *Diep*, which he came not to; and ſo there was an end of it.

L. H. Steward. What ingagements of ſecreſie had you given my Lord before he opened himſelf ſo plainly to you?

Mr. *Turbervile.* I gave my Lord my word and my promiſe that I would not diſcover it to any perſon directly nor indirectly; my Lord had nothing of an Oath from me.

L. H. Steward. Will you ask him any more Queſtions, Gentlemen?

Sir *Will. Jones.* No, my Lords.

L. H. Steward. Will your Lordſhip ask him any Queſtions, my Lord *Stafford*?

L. Stafford. My Lord, I never ſaw the man before in my life. I will ask him one Queſtion ſince he hath been pleaſed to ſwear againſt me.

Mr. *Turbervile.* My Lords, I had no reaſon but the truth to do it, for I never received any injury from his Lordſhip in my life.

L. Stafford. It ſeems I had ill luck to chooſe this man for an attempt to Kill the King who was ſuch a Coward he ran away from his Colours, and was to have been ſhot to death.

Mr. *Turbervile.* Ask the Duke of *Monmouth* what Character he received of me.

L. Stafford. He ſays in the year (75.) he went from *London* to *Doway*, and ſtaid ſome time there, and then came back to *England*. I beſeech your Lordſhips to ask him what time he went back to *Paris*.

L. H. Steward. What time was it that you went back to *Paris*?

Mr. *Turbervile.* Truly, my Lord, I cannot be punctual to a fortnight, but I believe it was the beginning of *June*.

L. H. Steward. What year?

Mr. *Turbervile.* (75.)

L. Stafford. My Lords, I would know who recommended him to me to go over with me into *England*.

L. H. Steward. Who recommended you to my Lord *Stafford* to go into *England*?

Mr. *Turbervile. My Lords*, It was Father *Sherborn* who was then Prior of the Benedictine Monks in *Paris*, and Father *Nelſon* Sub-Prior of thoſe Monks, and my Brother who is a Monk in the ſame Convent.

L. H.

L. H. Steward. He ſayes, That there were three Perſons that recommended him to your Lordſhip.

Lord *Stafford.* I never ſaw them in my life.

Mr. *Turbervile.* Your Lordſhip that ſayes I was a Coward, and run away from my Colours, will ſay any thing.

Lord *Stafford.* I not only ſay it, but will prove it by two Witneſſes.

Mr. *Turbervile.* Do it if you can.

Lord *Stafford.* He ſayes in the beginning of *June* (75.) he went into *France.* I deſire to know of him when was it he ſpoke to me.

Mr. *Turbervile.* In *November* 75.

Lord *Stafford.* He ſayes in *November.*

Mr. *Turbervile.* Yes, my Lord, about the beginning of *November.*

Lord *Stafford.* I beſeech your Lordſhip, where was it he ſpoke to me?

L. H. Steward. Turbervile, where was it you ſpoke to my Lord?

Mr. *Turbervile.* In *Paris.*

Lord *Stafford.* Whereabouts in *Paris?*

Mr. *Turbervile.* It was the Corner Houſe of the Street, which Street faces *Luxenburgh* Houſe, the Prince of *Conde* lodges on the right hand in that Street, I take it to be ſo, and you lodged at the Corner Houſe, I think the name of the Street was *La Rue de Beaufort.*

Lord *Stafford.* Which if the Prince of *Conde* did ---- I will ſay no more.

Mr. *Turbervile.* I cannot be upon my Oath in ſuch Caſes, but I think he does, I take it ſo.

Lord *Stafford.* He ſayes, he was with me a Fortnight, what does he mean?

Mr. *Turbervile.* I came to my Lord ſeveral times in the ſpace of a Fortnight.

Lord *Stafford.* I deſire to know who brought him to me.

Mr. *Turbervile.* Father *Sherborn*, Father *Nelſon*, and my Brother Father *Anthony Turbervile*; and ſometimes I came alone.

L. H. Steward. He ſayes, thoſe three Fathers recommended him to your Lordſhip, and he came himſelf ſeveral times.

Mr. *Turbervile.* Yes, *My Lords*, it is true.

Lord *Stafford.* I beſeech your Lordſhips, did he come directly to my Chamber, or where?

Mr. *Turbervile.* Sometimes to my Lords Chamber, and at other times I met him in a lower Room.

Lord *Stafford.* It concerns me much, *My Lords*, and though they be fooliſh Queſtions, yet I hope your Lordſhips will pardon me if I ask them. Where was this Diſcourſe about killing the King?

L. H. Steward. Was this Diſcourſe in the Chamber, or in the lower Room?

Mr. *Turbervile.* In the lower Room.

Lord *Stafford.* He ſayes, I think, that he hath been in my Chamber.

L. H. Steward. Have you been in my Lords Chamber as well as in the lower Room?

Mr. *Turbervile.* Yes, *My Lords*, I have.

Lord *Stafford.* What kind of Room is it?

Mr. *Turbervile.* I can't remember that.

Lord *Stafford.* No, I dare ſwear you can't.

Mr. *Turbervile.* I cannot tell the particulars; what Stools and Chairs were in the Room.

Lord *Stafford.* *My Lords*, I have no more to ſay to him at preſent.

L. H. Steward. Mr. *Turbervile*, How long have you been in *England?*

Mr. *Turbervile.* I cannot anſwer punctually; I have been in *England* near four Years.

L. H. Steward. How came it to paſs that you never diſcovered this ſooner?

Mr. *Turbervile.* I had no Faith to believe that I ſhould be ſafe if I did it, but my brains might be knocked out; and that kept me off from doing that ſervice which I might be better able to do, if I did defer it.

L. H. Steward. How come you to diſcover it now?

Mr. *Turbervile.* The Kings Proclamation, and ſome Friends that have perſwaded me that I may do it with ſafety; who will give your Lordſhips an account of it.

Lord *Stafford.* I deſire he may attend when I make my defence.

Mr. *Turbervile.* Yes, I ſhall. But I am ſorry his Lordſhip hath ſo ill a memory as to what paſſed between us. I ſhall be very unwilling to do his Lordſhip, or any Body elſe, any injury, but I muſt tell the truth.

Sir *William Jones. My Lords,* We ſhall call no more Witneſſes, unleſs my Lord, the Priſoner, give us an occaſion. If he ſhall make any Objections to any of our Witneſſes, I hope we ſhall have liberty to call Witneſſes to ſupport them; but we give over at preſent, and expect his Lordſhips Anſwer.

Lord *Stafford.* May it pleaſe your Lordſhips, I beſeech your Lordſhips, before I ſay any thing, that I may know if they have any more Witneſſes to examine.

L. H. Steward. They ſay they will call no more Evidence, unleſs your Lordſhips Anſwer do give them occaſion to fortify their Witneſſes you except againſt.

Lord *Stafford. My Lords,* It is now about two years that I have had the misfortune to be accuſed of this deteſtable Treaſon. I have been ſeveral times in thoſe two years a cloſe Priſoner, that my Wife and Children were denied to come near me; and hardly a Servant permitted to ask how I did, but at the door of my Priſon. *My Lords,* This was a great and an heavy affliction to me; and, *My Lords,* it was ſo great an affliction to me, that truly I did not know how to bear it. 'Tis true, I had that comfort, that I did hope I ſhould ſoon come to my Tryal and before your Lordſhips make my innocency appear. In order to which, I did all I could, having heard this Hall was provided for it; and I did expect in a very few days to clear my ſelf before your Lordſhips and all the World. When I had ſettled my mind, and did not foreſee any greater affliction that could befal me, I had on the ſudden by ſome of my friends a ſad Meſſage ſent me, That the Houſe of Commons had impeached me of High Treaſon, *My Lords,* I looked upon the Houſe of Commons then (as I do now) as the great Repreſentative Body of the Commons of *England*; and I confeſs, *My Lords,* to be accuſed by them was a load, eſpecially being added to what lay before upon me, more eſpecially to my weak Body, and weaker mind, that I was ſo afflicted with it, and have ſo continued, that I am ſcarce yet able to bear up under it. For I look upon the Houſe of Commons as the great and worthy Patriots of this Kingdom: I ever held them ſo, and I hold them ſo ſtill. *My Lords,* Theſe things being ſuch great afflictions to me, and ſome other accidents, which I ſhall not trouble your Lordſhips with the telling you of, have ſo much diſordered my ſenſe and reaſon (which before was little) that I ſcarce know how to clear my ſelf to your Lordſhips, as I ought to do; or which way to go about the doing of it: therefore I do with all humility beg your Lordſhips pardon if I ſay any thing that may give an offence, or urge that which may not be to the purpoſe: All which I deſire you would be pleaſed to attribute to the true Cauſe, my want of underſtanding, not of innocency, or a deſire to make it appear.

My Lords, Theſe Gentlemen the Managers of the Houſe of Commons, who are great and able men, ſome I am ſure, if not all of them, very well read,

and

and have understanding in the Law, have set forth to your Lordships Treason in an horrid shape; but I confess, *My Lords*, If they had made it never so much worse, it cannot be so horrid as I have often fancied it my self: for *My Lords*, I do, and did ever hold Treason to be the greatest sin in the World, and I cannot use words enough to express it, and therefore I hope you will give me leave to clear my self of it, and I shall give you one notion of it which I heard at your Lordships Bar some Years ago, where you were pleased to hear several people of several perswasions give you some reason why liberty of Conscience should be allowed them. And I remember one of them, an Anabaptist, I think, did tell you, that they held Treason to be the sin of Witchcraft, and so do I. And next to Treason I hold Murder to be the worst sin. But the Murder of the King, I looked upon, to be so, above all others, that it is not to be expressed by words.

My Lords, I have heard very much of a thing that was named by these Gentlemen of the House of Commons, and that very properly too, to wit, of the Gun-Powder Treason. *My Lords*, I was not born then, but some Years after I heard very much Discourse of it, and very various Reports; and I made a particular inquiry, perhaps more than any one person did else, both of my Father who was alive then, and my Uncle and others; and I am satisfied, and do clearly believe, by the Evidence I have received, That that thing called the Gun-Powder-Treason, was a wicked and horrid design (among the rest) of some of the Jesuits, and I think the malice of the Jesuits, or the Wit of man, cannot offer an excuse for it, it was so execrable a thing. Besides, *My Lords*, I was acquainted with one of them that was concerned in it, who had his pardon, and lived many Years after, I discoursed with him about it, and he confessed it, and said, he was sorry for it, then; and I here declare to your Lordships, that I never heard any one of the Church of *Rome* speak a good word of it: it was so horrid a thing that it cannot be expressed nor excused. And God Almighty shewed his Judgments upon them for their Wickedness; for hardly any of the Persons or their Posterity are left that were concerned in it; and even a very great Family too, that had collaterally something to do in it, is in the Male Line extinct totally; and I do think God Almighty always shews his Judgments upon such vile Actions. And I have been told, all those Persons that were ingaged in this Wicked Act, were all heartily sorry for it, and repented of it before they died, without which I am sure there is no Salvation. And therefore I think it was not the Interest of Religion, but a private Interest put them upon it.

My Lords, As to the Doctrine of King-killing, and absolving persons from their Allegiance, I cannot say the Church of *Rome* does not hold it, I never heard it did hold it, it may be it does, it may be not, I say not one thing or other, but *My Lords*, there was an English Colledge of Priests at *Rhemes*, that translated the Bible, and Printed it with Authority according to their Translation, and in their Annotations upon the fourteenth Chapter of the Epistle to the *Romans*, they do declare their dislike and detestation of that Opinion. They say all Subjects ought to obey their Kings as the Primitive Christians did the Heathen Princes of the Empire; and the Learned Doctors of the Colledge at *Sorbonne*, did upon an occasion administred to them about that Opinion, declare the mistakes that were in it, and owned it to be a damnable Principle. *My Lords*, I have an Authentical Copy of that Decree of the Sorbonists, whether it be here or no, I can't tell---- Yes, here it is, which does declare that, a damnable Position; and there is lately come out a Book, written by a Priest of the Church of *Rome*, tried for his life for being in the Plot, but acquitted of that, in which he sayes, that that Opinion of killing Kings

is damnable and heretical, and declared ſo by the Council of *Trent*.

My Lords, This gives me occaſion to believe that the Church of *Rome* holds it not. I do not ſay that it does not, but ſome particular perſons do abhor it which are great in that Church, and which weighs far with me; but that which further moſt of all confirms me in my ill Opinion of it, is the words of our Saviour, when not only he Commands us to give unto *Cæſar* the things that are *Cæſars*, but aſſerts our Obedience to our Governours in many other paſſages of the Holy Scripture; and what I find there, the whole World is not able to alter my Opinion of.

I do aſſure your Lordſhips in the preſence of Almighty God, That I do extreamly admire when I hear of any thing like it, and I did read with great horror what I found the other day in the *Gazette*, of ſome imprudent people in *Scotland*, and of their wicked Principles and practices.

My Lords, I do in the preſence of Almighty God, who knows and ſees all things, and of his Angels which are continually about us, and of your Lordſhips who are my Peers and Judges, ſolemnly profeſs and declare, that I hate and deteſt any ſuch Opinion, as I do damnation to my ſelf. And I cannot be more deſirous of Salvation to my ſelf, than I am cordial in hating this Opinion.

My Lords, I know no Perſon upon Earth, nor all the perſons in the World put together, nor all the Power they have, can in the leaſt abſolve me of my Allegiance. And I do acknowledge the King is my Soveraign, and I ought to Obey him as far as the Law of the Land obliges any Subject of his to Obey him; whether I have taken the Oath of Allegiance, I appeal to your Lordſhips to be my Witneſſes; and if I did not take it a thouſand times for my Allegiance to the King, if required, I think I ſhould deſerve a thouſand Deaths, and all the Torments in the World for refuſing it.

My Lords, Theſe Gentlemen here did begin their Charge, Serjeant *Maynard*, and Sir *Francis Winnington*, with telling your Lordſhips there was an horrid deſign to murder the King, to alter the Government, and introduce the Popiſh Religion. This they ſay was ingaged in by the Roman Catholicks, that all the Church of *Rome* were the Contrivers of it; for they tell your Lordſhips, the whole Body hath been ingaged in it, and they have given you many proofs by Witneſſes Examined the firſt day, of a General Plot; what Credit you will give to them I leave to your Lordſhips in the end of the Caſe, but ſtill they ſaid it was the Body of the Roman Catholicks in *England*, or the Papiſts, or what they call them, that were the Plotters in this Deſign. But I beſeech your Lordſhips, how am I concerned in it? for I muſt ſay to your Lordſhips, they have not offered one proof that I am of that Religion. So that though any of you ſhould have ſeen me at the Exerciſes of that Religion, or otherwiſe know it of your ſelves, yet if there be no proof judicially before you, you are not to take notice of it. I have heard if a man be accuſed of a Crime, and be to be tryed, and no Evidence come in, if every man of the Jury were ſure that the Fact was done, yet they muſt go upon the Evidence produced to them, and not upon their own knowledge. So then no Evidence being produced before your Lordſhips, about my being a Papiſt, you are not to take me for ſuch an one. But, *My Lords*, If I were of that Church, and that were never ſo well proved too, I hope I have an advantage in it, that I have kept my ſelf from being poyſoned with ſo wicked a Principle, or ingaged with the reſt in ſo ill a thing.

My Lords, I am here accuſed of having endeavoured to kill the King. I find by the Law, upon reading Sir *Edward Coke*, ſince my Impriſonment, That all Accuſations of Treaſon ought to be accompanied with Circumſtances

antecedent,

antecedent, concomitant and ſubſequent; but I conceive, *My Lords*, there is no tittle of any ſuch thing proved againſt me. The whole compaſs of my life from my infancy hath been clear otherwiſe. In the beginning of the late unhappy times, the late King of happy and glorious memory, did me the honour to make me a Peer; and thinking that my preſence might rather prejudice him than ſerve him, my Wife and I ſettled at *Antwerp* when the War begun, where I might have lived, though obſcurely, yet ſafely; but I was not ſatisfied in my Conſcience to ſee my King in ſo much diſorder, and I not endeavour to ſerve him what I could, to free him from his troubles. And I did come into *England*, and ſerved his Majeſty faithfully and Loyally, as long as he lived. And ſome of your Lordſhips here, know, whether I did not wait upon the now King in his Exile, from which he was happily reſtored, which ſhews I had no ill intention then.

My Lords, I hope this I have ſaid does ſhew, that my life hath given no countenance to this Accuſation, but clear contrary to what theſe (I hope I may call them ſo (and doubt not to prove them ſo) perjured Villains ſay againſt me.

My Lords, After I had this misfortune to be thus Accuſed, about a Month or ſix Weeks after, your Lordſhips were pleaſed to ſend two Members of this honourable Body to me, I do not ſee them at preſent here, to examine me about the Plot, (they were my Lord of *Bridgwater*, and my Lord of *Eſſex*) if they be here, I appeal to them what I did ſay. Theſe two, after they had examined me told me, they did believe, and could almoſt aſſure me, That if I would confeſs my fault, and let them know the particulars of it, your Lordſhips would interceed with the King for my Pardon; but I then, as I ought, aſſerted my own Innocency. Not long after, the King out of his Grace and Goodneſs to me, ſent ſix of the Council to the *Tower* to offer me, That though I was never ſo Guilty, yet if I would Confeſs, I ſhould have my Pardon. I did then conſider with my ſelf, I could not imagine what ground there was to believe your Lordſhips could have Evidence of what there was not, to bring me in Guilty; and thereupon I was ſo far from being able to make a diſcovery, that I could not invent any thing that might ſave my life if I would.

My Lords, I was ſeven days in the Country after I heard of the Plot; if I had known my ſelf Guilty, I ſhould ſurely have run away. As I came to *London*, when I was at *Lichfield* there met me two of my Lords; They told me, and ſo did a Gentleman of the Houſe of Commons, how much there was in the Plot, which if I had had an hand in it would certainly make me fly for it. I have ever heard when a man is accuſed or ſuſpected of a Crime, flight is a great ſign of guilt, and that it is often asked of the Jury, though there be no certain poſitive Evidence of the Fact, Whether a man fled or no? As that is a ſign of guilt, ſo remaining is a ſign of Innocency. If then after notice, I come to Town, and ſuffer my ſelf to be taken, if after Impriſonment and Accuſation I refuſe my Pardon, and yet had been Guilty, I ought to dye for my folly as well as my Crime.

My Lords, 'tis a great offence to committ Treaſon, and a great addition to continue obſtinate, when upon acknowledgment a man can ſave his life; nay, *my Lords*, if I ſhould have refuſed theſe offers, and yet known my ſelf Guilty, I had at the ſame time been guilty of one of the greateſt ſins in the world, as being the cauſe of my own death. And as I hold next to Treaſon, Murder the greateſt ſin, ſo I hold of all Murders ſelf-murder to be the greateſt: nay, I do not think any man living can Pardon that ſin of Murder. And I do profeſs to your Lordſhips in the preſence of Almighty God, that if I could immediately, by the death of this impudent fellow *Dugdale*, who hath done me ſo much wrong, make my ſelf the greateſt

Murder.

greateſt man in the world, that is or ever was; I profeſs before God I would not; I cannot ſay my Charity is ſo great, but that I ſhould be glad to ſee him ſuffer thoſe puniſhments the Law can inflict upon him for his Crimes, but his death I would not have. Blood is ſo great a crime, and I know every man is careful of giving his voice in the caſe of blood, I ſhould be very cautious my ſelf; and if I were a Judge I would rather ſave twenty Guilty, than condemn one Innocent. I bleſs God I have not the leaſt deſire of the Death of any Man, and would not for all the world have the innocent blood of all the world lye upon me.

I beg your Lordſhips pardon that I have troubled you thus long: I ſhall now as well as I can, apply my ſelf to my particular defence. I do, *My Lords*, before I can go on to it, deſire I may have ſuch Depoſitions as have been taken againſt me; and the liberty to look on your Journal Book, when I have occaſion. I do particularly deſire the Depoſitions of *Oats*, upon which I was committed, by my Lord Chief Juſtice; the two Depoſitions of *Stephen Dugdale*, taken at *Stafford* before two Juſtices of the Peace, Mr. *Lane* and Mr. *Vernon*; I deſire the Depoſitions taken before, I think it was, Mr. *Warcup* and Sir *William Poultney*, or ſome other two Juſtices, which was made by *Turbervile*, and then I ſhall compare their teſtimonies together: And I hope ſhall give you a clear account that they are perjured perſons. How without theſe to go on to my juſt defence I cannot well tell.

L. H. Steward. What do you ſay to it, Gentlemen, you hear what my Lord prays?

Sir *Fran. Winnington.* The Witneſſes are here, and have been heard *viva voce.* As we cannot uſe any of the Depoſitions of which he ſpeaks, ſo no more can they be uſed by him.

L. H. Steward. If I underſtand my Lord aright, this is the thing he deſires, ſays he, You have brought Witneſſes againſt me *Viva voce*, they have been examined here, and they have been examined elſewhere, and their Depoſitions are upon Record, I deſire to confront what they have ſaid here, with what they have ſaid contrary in other places.

Mr. Serj. *Maynard.* If there be any thing expreſſed by my Lord, wherein they have contradicted themſelves, and produce that Depoſition, he may do that; but to deſire to have all the Depoſitions that have been made by our Witneſſes is a ſtrange requeſt. When there is occaſion to uſe them upon any particular point, he may produce them if he can.

L. H. Steward. Can you object why my Lord ſhould not have Copies of any thing that is upon the Journal, and Depoſitions that are ſworn before a Magiſtrate, which may be of uſe to him?

Sir *William Jones. My Lords*, We do not object againſt it; but, *My Lords*, I think it is out of time to deſire it. What was ſworn, and is entred in your Lordſhips Journal was ſworn above two years ſince. My Lord, or any man elſe might repair to them, they are matters of Record, and for ought we know were never denyed to any, eſpecially if they deſired it in the Houſe; but after two years time, and after three weeks time given to prepare for this Tryal, when my Lord could not but know what Witneſſes would be examined before your Lordſhips, for him to come now and deſire ſuch and ſuch Depoſitions may be produced, which if by Law he might be allowed to do, he might have done before, is to no other purpoſe, under favour, but to gain time, and to cauſe our Evidence to be forgotten. And therefore we muſt humbly pray it may not be admitted: *My Lords*, I think it is an unuſual thing. *My Lords*, The Judges are near your Lordſhips, I ſuppoſe they will inform your Lordſhips. If a man be tryed at the Aſſizes, for him to deſire a Copy of the Informations

remaining

remaining in Court, by which he may except againſt the Witneſſes, is what the Court does not uſe to grant: But if your Lordſhips proceedings vary from the common Proceedings of other Courts, then I reſort to what I ſaid before, Whether your Lordſhips will think this a proper time when he might have had it in the Parliament that was firſt Diſſolved, and then in the Parliament that was laſt Diſſolved. Now to deſire thoſe Copies at this time, is to put off the Cauſe, for that which perhaps he cannot be furniſhed with in a day or two.

Sir *Fr. Win.* I would add but one word, if your Lordſhips pleaſe to give me leave. *My Lords*, You have the learned Judges near you, who will inform you, Whether ever, when a man was accuſed of a Capital Offence, and the Evidence againſt him had been fully heard, by the Court and by himſelf, he was admitted to require from the Proſecutors, the Copies of Examinations formerly taken before other Perſons? Does my Lord intend to have time to peruſe thoſe Examinations, and to have the Copies of them, that he may conſult in private with his Counſel to find out Exceptions, and with his Witneſſes to make them good? *My Lords*, I muſt ſay that in my ſhort Experience (and I have attended a conſiderable time upon the greateſt Court for Trial of Offenders) I never heard ſuch a thing asked by a Priſoner, either at the Bar of the Kings Bench, or at the Aſſizes. I ſpeak with all the tenderneſs imaginable, becauſe we are in a matter of Blood, and God-forbid but the Lord at the Bar ſhould have true and equal Juſtice done him. But if I take my Lord right, this ſeems but an Artifice to delay the Trial, of which it is our duty to be very Cautious. Indeed I have ſeen the *Judges*, upon trial of a Criminal, call for the Depoſitions, or Informations from the Clerk, or the Juſtice of the Peace who took them, and cauſed them to be read; but for a *Priſoner* to call for Examinations at the Bar from the Proſecutors, *Et ex Debita Juſtitia*, to demand them, is a thing, which as it never has been, ſo I think will not be admitted at this time, eſpecially when we are now almoſt at the end of the Cauſe. And withal, Modeſty and Submiſſion to your Lordſhips, I look upon it as a very ſtrange and unreaſonable Demand.

L. H. Steward. My Lord *Stafford*, What is the reaſon your Lordſhip had not, all this while, Copies of the Journal, which is that you now ask?

L. Stafford. I ſhall not undertake that I am able to give your Lordſhips a reaſon for it, becauſe I think wherein I have been miſtaken as to point of Time; your Lordſhips will not tie me up to that. But this Gentleman that ſpoke laſt is not acquainted with me, and does not know me; for I have no deſire to go back, or to put off this Trial: But if it cannot be done to Day, I am as guilty to Morrow as I am to Day; and I deſire no more than what he ſays hath been done in the like Caſes. I do deſire, my Lord, the Informations and Depoſitions of *Dugdale*, *Oats*, and *Turberville*, may be produced and read, and I will make Obſervations upon them in my Defence. I deſire thoſe Affidavits may be brought.

L. H. Steward. Affidavits taken, When, and where?

L. Stafford. Of Dr. *Oats*, that was read in your Lordſhips Houſe, I heard it.

L. H. Steward. Let us underſtand your Lordſhips demands, that when my Lords are withdrawn, I may know what Queſtions to put to them, and acquaint them with your deſires: The one is the Journal of the Lords Houſe, which is always before their Lordſhips, and you might have had Copies long ſince. The next thing you ask is an Affidavit of *Dugdale*, if this Affidavit is entred into the Journal, that ſupplies your Demands, if it be not entred there, where ſhall we find it?

L. Stafford. I do not know.

L. H. Steward. Does your Lordſhip think all this matter muſt ſtay till we can find a looſe *Affidavit*, that we know not where 'tis filed?

Lord *Stafford.* I know it was before the Council, and I believe my Accuſers have it; I deſire the Gentlemen of the Houſe of Commons may produce it.

Sir *John Trevor.* I have ſeen none, nor have none.

Lord *Stafford.* The one was taken the 24th of *December* this time two year, and the other the 29th.

L. H. Steward. My Lord, will your Lordſhip give me leave to tell you, you ought to be provided with ſome particular exception, and not to make your demand in general. If your Lordſhip will ſay *Dugdale* did ſwear ſuch and ſuch things, which are contrary to what he now affirms, we know what to make of it; but to hunt after an *Affidavit*, that we know not where to find, to pick ſomething out of it, that I do not underſtand.

Lord *Stafford.* I appeal to my Lord of *Eſſex*, and my Lord *Bridgewater*, whether they did not examin me the firſt time upon one or two *Affidavits* of *Dugdale*.

L. H. Steward. Suppoſe it be not to be found my Lord?

Lord *Stafford.* Then I muſt have patience and ſubmit.

L. H. Steward. Can you tell wherein he ſwore quite blank contrary to what he ſwears now?

Lord *Stafford.* My Lord, I conceive it was never denied before, but your Lordſhips may do what you pleaſe.

Lord H. Steward. Well, my Lord, let us go on to the next. The *Affidavits* of *Dugdale*, if they be entred on the Journal, may be ready, if not, then I ſhall acquaint their Lordſhips, and they will direct what is fit in the Caſe.

Lord *Stafford.* Then there is the *Affidavit* of *Oates* before my Lord Chief Juſtice, upon which I was committed; the next day, which was Friday, it was read in your Lordſhips Houſe.

L. H. Steward. I believe that it is entred upon the Journal, and ſo will be ready to be uſed.

Lord *Stafford.* I do hope to make it evidently appear thereby that he is forſworn. I deſire two *Affidavits* more that were taken before the Juſtices of the Peace of *Middleſex*, who examined Mr. *Turbervile* twice.

L. H. Steward. What Juſtice of the Peace?

Lord *Stafford.* Mr. *Warcupp*, Sir *William Poultney*, and Sir *Thomas Stringer*. I deſire I may not be miſunderſtood, I do not deſire to have them to inſtruct my Counſel, or adviſe with them upon them, but I cannot make my Defence without them.

L. H. Steward. Thoſe are voluntary extrajudicial *Affidavits*, that no body is bound to keep.

Lord *Stafford.* They were ſpoken of in the Votes of the Houſe of Commons.

L. H. Steward. What ſay you Gentlemen to it?

Sir *Fr. Win. My Lords*, becauſe my Lord at the Bar is pleaſed to inſinuate, as if we knew where thoſe *Affidavits* are which he ſeems to deſire, and becauſe your Lordſhip was pleaſed to ſay that the Commons in Parliament are the Grand-Jury of the Kingdom, I deſire to ſay one thing; That certainly it will not be required from us to produce and publiſh the ſeveral Facts and Circumſtances that induced us to Impeach him, if it ſhall be demanded by the Priſoner at the Bar.

L. H. Steward. I wiſh you would anſwer the Queſtion, and not argue upon it, whether thoſe *Affidavits* of *Turbervile* may not be produced; for

'tis

'tis my Lords exception againſt your Witneſſes, that he ſwears ſeveral ways; and by thoſe *Affidavits* of *Turbervile*, he intends to diſprove him in what he hath ſaid to day.

Sir *Fr. Win. My Lords*, the Houſe of Commons never adminiſter an Oath, and therefore it is not to be ſaid to us, but my Lord *Stafford* muſt go to the particular Offices where they are to be found.

L. H. Steward I do not ask you where my Lord ſhould find them, but whether if they can be found, you can object any thing why they ſhould not be produced and read.

Mr. Serj. Maynard. When they are produced we will give an Anſwer.

Lord *Stafford. My Lords*, I am informed this is the ſubſtance of the *Affidavit*, That *Turbervile* did ſwear before two Juſtices of the Peace, whether they be of the Houſe of Commons, or no, I cann't tell, that he ſpoke with me at *Doway*, and in *Paris*, in the years (73) and (76) and now he ſays (72) and (75) I am informed, *My Lords*, and I appeal to the Houſe of Commons, they are all perſons of Honour and Worth (if my Information be miſtaken I beg their Pardon, and yours for't) whether he did not mend it after he had ſworn it.

L. H. Steward. Are theſe all you do demand?

Lord *Stafford.* Yes, *My Lords.* Whether this was true or no, I don't know, it is what I have been told, I appeal to the Houſe of Commons (who are all worthy perſons, I do not believe I have an Enemy among them) they know whether I ſpeak true or no.

L. H. Steward. When will your Lordſhip be ready to make your Defence?

Lord *Stafford.* As ſoon as ever I have them, I will not ſtay a minute, a moment, an inſtant, I deſire not to ſhew my Counſel, nor any one; for my Tryal is a thing that I have long deſired. Therefore I would not be miſtaken, as if I would put off the Cauſe. I am innocent, and ſhall be ſo while I live, and hope I ſhall make it appear ſo. I beg if this be a matter of Law, whether I may have them or not, that my Counſel be heard to it.

L. H. Steward. This is a matter of Fact.

Lord *Stafford.* I inſiſt upon it as things without which I cannot make my Defence; I am innocent, and I ſuppoſe not one of the Houſe of Commons, nor one of your Lordſhips, will debar me of that by which I may make my Innocency appear.

L. H Steward. You cannot know my Lords pleaſure till they are withdrawn.

Sir *Will. Jones.* Before your Lordſhips withdraw, I hope you will pleaſe to hear us a few words, which we think may be for the ſervice of this Court. *My Lords*, what Evidence is before your Lordſhips, and 'tis in your Lordſhips pleaſure what of that you ſhall pleaſe to communicate to my Lord *Stafford*; but for this Evidence he ſpeaks of as remaining in our hands, and which he takes upon himſelf to appeal to us for, admits of another Conſideration. *My Lords*, if we were conſcious of any thing in theſe *Affidavits* that were for my Lords advantage, and knew where they were, we would readily produce them; but for my ſelf, I muſt anſwer, and I think my Companions will ſay ſo too, that we do not know where theſe *Affidavits* are, nor of any variation in thoſe *Affidavits* from what is now ſworn, but whatever they were, they were taken for the Information of the Houſe of Commons, who are the Proſecutors in this Cauſe, and who are no Judges. Now if my Lord, will bring any Witneſs that will ſay this Witneſs of ours did before a Juſtice of Peace depoſe ſo and ſo, and ſays the

contrary

contrary now, there might be then juſt reaſons to look after theſe *Affidavits* and to have them produced, but upon a bare imagination that there is a Variance where in truth there is none, and the truth may otherwiſe be known; to deſire that theſe *Affidavits* that never were before you ſhould be produced, whether ſuch a Suggeſtion is to be admitted, I humbly ſubmit it to your Lordſhips Conſideration.

L. Stafford. My Lords, If theſe Gentlemen that are the Managers for the Houſe of Commons will aver to your Lordſhips, that there is no Variation in them, I will ſubmit to them and be quiet; if they will ſay it was not Debated in the Houſe, whether he ſhould amend or no.

L. H. Steward. Look you, he puts it upon you ſo far Gentlemen, that if you will take it upon you to aver that there is no Variation between thoſe Affidavits upon which you grounded your Impeachment, and the Evidence you have given upon the trial of your Impeachment, he will not give you the trouble.

L. Stafford. I beſeech you let me ſay one word, my Lords; I have been thus long a Priſoner, I was as far from being proceeded againſt now, as any of the reſt of the Lords in the *Tower*, till *Turbervile* came in with his Diſcovery, and I believe I am now called the ſooner (which I am glad of, and I give the Gentlemen thanks for it) upon the Affidavit of *Turbervile*, I deſire that Affidavit; and though it be true the Houſe of Commons give no Oath, yet they appointed two Members of the Houſe that were Juſtices of the Peace of *Middleſex* to take it upon Oath, and he deſired the next day to amend it; and I put my ſelf upon them, whether this be not true.

L. H. Steward. What ſay you, Sir, to it?

Sir *W. Jones.* My Lord, I cannot anſwer, becauſe I don't hear.

L. Stafford. My Lords, I ſay this, I do obſerve that Mr. *Turbervile* (whoſe face I never ſaw in my life, that I know of, till to day, nor never ſpoke a word to him, and I ſhall prove that no Servant that ever I had ſee him) did depoſe (for the purpoſe) to day, that he was in the Years (73) and (76) in ſuch and ſuch places, and that he did ſpeak with me at *Doway* and *Paris*, and to Morrow recollecting his Notes, he found he was miſtaken in his Affidavit that he had made before, and deſired to mend it, and brought it to the Years (72) and (75) there was ſome Debate in the Houſe about it, whether they ſhould permit him to mend it; I appeal to all the Gentlemen, whether it were not ſo.

L. H. Steward. Your labour is to have two Affidavits that you do preſume will do your Buſineſs in order to the finding out a variety of time of his being at *Doway* or at *Paris*: That which does preſs your Lordſhip we know in *Turbervile*'s Evidence, is, That at *Paris* in the Room below of your Lodging, you encouraged him to kill the King, and you were to have met him at *Diep* to know his mind, but you came not, and he went away; if you have it in the Affidavit quite contrary to this, you ſay ſomewhat.

L. Stafford. My Lords, I beſeech you, it preſſes me, and every man in *England*, not to be run down by a Fellow that forſwears himſelf; for him to Swear one thing to Day, and another thing to Morrow, is Perjury.

L. H. Steward. What ſay you to it Gentlemen?

Sir *W. Jones.* What was done in the Houſe of Commons, it does not become any of us that are Members to diſcloſe: But I have heard, and will admit it, that in the Depoſitions, the Witneſs made before a Juſtice of Peace, there was a Year put down, which he going Home, and upon ſight of Letters and Papers, found it to be miſtaken, he comes the next day

day and desires to alter it, if this be for my Lords Service we shall grant it.

L. H. Steward. What say you my Lord now?

Lord *Stafford.* I do say my Lord I am informed by what I have heard cursorily; for I have not seen one of the House of Commons before the day of my Tryal, that though in his second Deposition he named the years (72) and (75) yet I can prove him Perjured as to what he hath sworn here to day.

L. H. Steward. Since 'tis insisted upon Gentlemen, that there is a Variety in the last Deposition from what he swore at first, what can you say why he should not have the avail of his Exception?

Sir *Will. Jones. My Lords*, whether your Lordships will think fit to consider by what ways and means the House of Commons informed themselves, in order to Impeachments, I submit to you; and for those things that still remain in the hands of the Commons, I suppose you will be pleased to consider how you can send for them to inform you. We would not be mistaken in the matter; let not any one that hears us think that we are conscious there is the least variation, nay we are confident if the thing were produced, it would turn to my Lords prejudice; but what is done in this Case, may be a President for the future; and therefore we cannot without resorting to the House, consent to deliver any thing the House took for their Information. Therefore if your Lordships stand upon it, and incline to have it done, we must resort to the House to ask their leave whether we shall do it or no.

L. H. Steward. I cannot tell what *my Lords* will incline to do; but I desire when you are gone back, you will consider how far it will make the matter easie to my Lord.

Sir *Will. Jones.* My Lords, we can give no Answer to that till we have attended our House.

Mr. Serj. Maynard. I desire your Lordships to consider what a piece of cunning he hath put upon both Houses, to pass by his vilifying our Witnesses, which I may say was not comely. But if he makes any question, it must be put to the Houses upon supposition to be a Question, and so he would bring things only to this issue to put off the Cause for to day. He ought to put that which might probably be something of a Question. Let him instance in particulars, and make out his Evidence, not feign things to put off the Cause; for ought I see 'tis to no other end, and 'tis a Jesuitical trick I think.

Lord *Stafford.* I feign nothing, I have been told this that I speak here, and I desire it may be proved.

L. H. Steward. If you are bound up so that you cannot consent, I can't help it.

Mr. Serj. Maynard. Let him put the Fact my Lords, and not suppose, and imagine Things, and then raise Questions.

L. H. Steward. It is usual in these Cases for the Gentlemen of the House of Commons to stay till the Lords are withdrawn, and expect their Lordships Resolution; perhaps they may so order it that you need not go back.

Sir *Will. Jones.* I desire before your Lordships withdraw, that it may be taken notice of by your Lordships, that for the matter of the variation of the year we do admit it. My Lord is not pleased to mention any other particular matter of the *Affidavit*, but only says in general that it is contrary to what he says to day; if my Lord would tell us wherein, perhaps we should admit it, or answer it, or take it into further consideration; but

to make ſo general an Allegation, and give your Lordſhips no particular account, we ſubmit whether ſuch a ſuggeſtion ought to be regarded.

L. H. Steward. Is there any further variation, beſides the variation of the year?

Lord *Stafford.* I cannot ſay there is my Lord, I do not know it; but I do really believe in my Conſcience there is, from what I have heard; but however I inſiſt upon it, and demand your Judgment.

Sir *Fr. Win. My Lords*, I humbly deſire one word as to the Objection that hath been made, that he hath prayed your Lordſhips to grant him the ſight of ſuch and ſuch Papers. The nature of this Cauſe, *My Lords*, we know is ſuch, that there was never the like number of Papers known, as to the General Plot; and my Lord, that is the Priſoner at the Bar, may as well demand to morrow ſuch a particular Paper, and the next day another, that he hath heard of in the general Plot; and where will the end of this be? So that if the thing be granted upon the variation of the time that it was immediately rectifyed, and he cannot produce any grounds that may ſatisfie your Lordſhips why he ſhould have that Paper, you may as well ſuffer him to demand any other Paper after, and ſo never end the Cauſe.

L. H. Steward. Your Lordſhip hath been told, and you ſhall find it, that you ſhall have as fair and equal an Hearing as is poſſible, and nothing ſhall be denied you that is juſt and reaſonable to ſave your Life, or make your Defence. But pray, my Lord, for ſo much as is upon the Journal, which you may reſort unto, you may eaſily know what anſwer *My Lords* will give to that; but for this other thing, if it be only the Variety you alledge of the Time and the Year, and you do deſire it to look for other Exceptions, and you pray the help of the Lords to ſee ſuch a Paper, that you may make Inquiry after other Varieties, Do you think they are to help you to find out Exceptions to the Witneſſes?

Lord *Stafford* I do not deſire their Lordſhips to help me to find out Exceptions; but I have told your Lordſhips of one Exception to the *Affidavit*, which theſe Gentlemen acknowledge to be true, and the other *Affidavit* is, that he Swears I ſpoke to him at *Doway* in the year (72) or (73) which I can diſprove; and then I ſay he Swearing ſeveral things falſe, he is no credible Witneſs.

L. H. Steward. 'Tis admitted to your Lordſhip that he did miſtake the time.

Lord *Stafford.* It is admitted that he ſaid he ſpoke to me at *Doway.*

L. H. Steward. How very an eaſie matter were it to expedite this Proceſs, by allowing the Priſoner his demand in this particular.

Sir *Will. Jones.* I never ſaw it, and a great many of the Managers ſay they never ſaw it.

Lord *Stafford.* Theſe Gentlemen ſay I did it to put off the Cauſe, I am far from it; for though I am in a condition very unfit to manage my Defence, faint and weak with ſpeaking ſo long, and hardly able to ſpeak any more, yet I deſire to finiſh this night, and if I ſee it now, it will be enough, I ſhall not deſire to have a Copy to adviſe with my Counſel, or any body elſe.

L. H. Steward. Pray Gentlemen of the Houſe of Commons will you obſerve, my Lord, as weary as he is, would make an end of the matter preſently, if you would but ſend for the *Affidavit.*

Mr. *Foley. My Lords*, It is not in our hands here, if the Houſe of Commons will order it, it may be done, we cannot order it of our ſelves.

Mr. Powle.

Mr. *Powle.* My Lords, This is a Paper that does properly belong to the Houſe, and I do think, that none of us here that are Managers for this Trial, will undertake it ſhall be delivered without reſorting to the Houſe for their Opinion; for though I do verily believe, and am fully perſuaded, that what this Noble Lord at the Bar does object, will not appear to be ſo; For I think there is not any thing of my Lord *Stafford*'s ſpeaking with this Witneſs at *Doway* mentioned therein; yet how far the preſidents of this may reach in other Caſes, I think, is worthy the Conſideration of the Houſe. And we cannot preſume to offer any thing in it to your Lordſhips, until you be pleaſed to give us leave to go and reſort thither.

Then the Lords withdrew, and after an Hours and an Halfs ſpace returned, and Proclamation was made for Silence.

L. H. Steward. My Lord Viſcount *Stafford*, My Lords have conſidered of the Demands you made; and my Lords upon the debate of the Reaſons of your Demands, are come to this Reſolution. Your Lordſhip did demand in the firſt place, that you might have a ſight of the Journal, and have the Papers lodged in the Houſe of Peers: *My Lords* take notice that this demand which your Lordſhip now makes, is a demand that was granted you long ago, about two Years ſince; you have an Order entred upon the Books, that your Lordſhip ſhould have Copies of every thing in that Houſe, and if your Lordſhip have not taken out Copies, and if any thing is miſſing to your Lordſhip that is yet there extant, 'tis your Lordſhips fault. However, my Lords will command their Journals to be brought hither, that your Lordſhip may make that uſe of them that may be of moſt profit to you. For the other Demand touching the *Affidavit* ſuppoſed to be taken from *Turbervile* by the Juſtices of the Peace, that my Lords upon Conſideration had, do find that there is no Obligation at all upon them as a Court, to concern themſelves in that Matter; And therefore my Lords have made no Order in that Point, but your Lordſhip muſt come provided as well as you can, and the Court can do no more to help you in it. For the reſt, my Lords did take notice that your Lordſhip ſaid before they were withdrawn, That you found your ſelf very Faint and Weary, and that you were much ſpent in Diſcourſe, and Tired with what already you have done. My Lords are extreamly willing to give your Lordſhip all the Favour and Accommodation poſſible, for the Recollecting your ſelf, therefore my Lords will not now put you upon it, to go on to make your Defence, but will give you time till to Morrow.

L. Stafford. I humbly give your Lordſhips thanks for your Kindneſs and Favour to me; but here I profeſs, and call Almighty God to witneſs, rather than I would have it thought I am willing to put it off, I would have ſunk down Dead at the Bar. But, *my Lords*, there was another Demand that I made: Your Lordſhips ſay, I ſhall have Copies of all the Journals, and that you cannot help me to the *Affidavit* of *Turbervile*, I ſubmit to it without ſaying one word more; but I deſire that I may have brought hither to Morrow the Journals, and other Papers in the Lords Houſe, but I deſire alſo the two *Affidavits* of *Dugdale*, taken the one the 24th, the other the 29th of *December* following, which Depoſitions were taken before Mr. *Lane*, and Mr. *Vernon*, in *Stafford* Town, when *Dugdale* was in Priſon.

L. H. Steward. Look you, *my Lord*, This is all under the ſame Rule: What Evidence ſoever there is before the Court of Peers, that you ſhall have; whatſoever Evidence is not in that Court, you ought to come provided of; the Court is not to ſtay, nor to help you to Evidence.

L. Staf-

L. Stafford. My Lord, I beg your pardon, *Dugdale* made an *Affidavit* then, and ſays the clean contrary now; I deſire nothing but Juſtice, and I am ſure I ſhall have all Juſtice from your Lordſhips.

L. H. Steward. Produce it, and alledge what you will for your ſelf, it ſhall be heard.

L. Stafford. How then ſhall I be able to make my Defence, if I have not thoſe Papers, which I humbly conceive by the Law, ought to be brought? Theſe Gentlemen of the Houſe of Commons ſay, That I could not have *Turbervile's Affidavit* becauſe it was in the Houſe, and they could not give it without conſent of the Houſe, but this was examined before a Juſtice of Peace, and returned to the Council: Sure I ſhall have that? I was examined by my Lord of *Eſſex*, and my Lord of *Bridgwater*, upon that *Affidavit* twice I think, therefore that is material and neceſſary; and I know your Lordſhips would not have me come to Defend my ſelf without Weapons.

L. H. Steward. My Lord *Stafford*, I do beſeech your Lordſhip to be a little better informed in your own Buſineſs. You have leave to make uſe of the Journal, and all Papers that are entred there; the Clerks ſay, *Dugdale's* Oath is entred there.

L. Stafford. Is the 24th of *December* there?

Clerk. It is there.

L. H. Steward. Pray, my Lord, do not put the Court upon Interrogatories, but come provided as well as you can.

L. Stafford. If it be entred on the Journal Book, I deſire not the Original, I am very well ſatisfied.

L. H. Steward. Will you be ready to go on to Morrow, my Lord?

L. Stafford. I will with all my heart.

L. H. Steward. 'Tis too late Gentlemen to go on to Night, we muſt Adjourn till to Morrow.

L. Stafford. My Lords, I had ſo much to write laſt Night, that I had very little ſleep; I deſire I may not come till Ten.

L. H. Steward. My Lord, I am not able to hear you, I take as much pains to come near you as I can.

L. Stafford. I had a great deal to write laſt Night, I ſay, and I want ſome ſleep; I deſire I may not come till Ten.

L. H. Steward. Will you be ready by Ten a Clock to Morrow?

L. Stafford. I will be ready by Ten.

L. H. Steward. I will move my Lords when they are withdrawn, to Adjourn till Ten to morrow. But my Lord *Stafford*, I do not know how your Lordſhip is provided, or how you look after your own Buſineſs. If you have not had Copies of the Journal all this while, 'tis you are in the fault. A great deal of it is in Print, you may ſend your Solicitor to the Clerk of the Parliament, and take Copies of what you have need of. I give you notice of it, that if you come unprovided, you may know it is your own fault.

L. Stafford. I do acknowledg I have Copies of the Journal Book, I think of all; but I do not find any thing of *Dugdale's* ſecond Depoſition there.

L. H. Steward. Here is that of the 24th of *December*, that you ask after, ſend your Solicitor and then you ſhall have a Copy out of the Journal of it.

L. Stafford. I aſſure you Lordſhip I will be ready to morrow, if I can get thoſe Copies.

L. H. Steward. My Lords will give you as much Eaſe, and all the Accommodations that are fit.

L. Stafford.

L. Stafford. Then to morrow I will be ready by Ten a Clock, if your Lordſhips pleaſe, only I would deſire your Lordſhips to take notice, that theſe Gentlemen of the Houſe of Commons do acknowledge that *Turbervile* ſwore one day to one year, and the next day to another.

L. H. Steward. My Lord *Stafford*, you ſay you can be ready to morrow at Ten a Clock, Are you ſure you can be ready then?

L. Stafford. I ſay, *My Lords*, this, I ſhall not be ſo ready as I ſhall be next day; but I aſſure your Lordſhips, I will rather ſink down in the place where I am, if you think fit, than put off the Tryal.

L. H. Steward. Look you Gentlemen of the Houſe of Commons, in a Caſe of this conſequence, and of this Vital Importance to a Man as this is, where is the inconvenience if there ſhould be a days reſpite, and the Court ſhould Adjourn till Friday, if *My Lords* be moved in it, I make no direction, but what inconvenience will be in it? Will it not be every way as well?

Sir *Will. Jones. My Lords*, your Lordſhips does not expect from us to give our conſent to put off the Tryal.

L. H. Steward. I ask only what inconvenience it is?

Sir *Will. Jones.* Your Lordſhips are the Judges, and will do as you find it reaſonable; but this I ſay, it is very unuſual, and ſcarce to be Preſidented, that when the Proſecutors have given an Evidence, the Priſoner ſhould have time, a further conſiderable time, to give his Anſwer to it; the Priſoner knows before-hand the general Scope and Drift of the Evidence; therefore for him to have time till to morrow is a favour; but to have more than that, even a whole day to intervene, is very unuſual.

L. H. Steward. If that be all, and the matter depend upon what is uſual, I do venture with *My Lords* leave, to inform you, that my Lord of *Strafford* had two days time after the Proſecution to give his Anſwer to what was ſaid againſt him.

Sir *Will. Jones.* That was an Evidence upon Twenty eight Articles, this but upon Two Heads; and that was after a long Examination of many days.

L. Stafford. My Lords, I had prepared my ſelf for my Tryal as well as I could, and had written down a few things that I intended to ſay; and I profeſs before God as I am a Man, and as I am a Chriſtian, of all I intended to ſay I have in a manner made uſe of very few words; but as to what I had to ſay upon the Evidence I was forced to lay all aſide, becauſe I wanted theſe Papers; I have not eaten to day, and being forced to lay aſide all that I had written, I ſhall need a whole day to write; however I ſubmit my ſelf to your Lordſhips in that matter.

L. H. Steward. My Lord, if it be equal to your Lordſhip, and your Lordſhip will be as ready to morrow as another day, this Court will be more ready.

L. Stafford. I aſſure your Lordſhips, if your Lordſhips do give me another day, I will not debate with my Counſel any one thing upon the Papers I have asked.

L. H. Steward. Pray, my Lord, will you be pleaſed to make your demand to *My Lords*, who are your Judges, by what time you will be content to be foreclosed.

L. Stafford. My Lords, if you will give me till Friday, I ſhall be ready to give my Evidence, and I will bring Witneſſes ſufficient I hope to prove my Innocency.

Sir *Will. Jones. My Lords*, we do not preſume at all to offer our conſent to what time the Court ſhall be Adjourned——

L. H. Steward. No, we do not ask your Conſent.

Sir *Will. Jones.* And I hope your Lordſhips will not ask the Priſoners conſent, nor do it by his direction.

L. H. Steward. De morte hominis non eſt cunctatio longa.

Sir *Will. Jones.* But we muſt deſire your Lordſhips, as we are entruſted by the Houſe of Commons, to Manage this Tryal, to take notice, that as we do not expect your Lordſhips ſhould take the Meaſures from our Deſires, much leſs do we expect you ſhould do it at the only inſtance of the Priſoner. 'Tis a great advantage to this Lord to chooſe his own time when he will pleaſe to anſwer our Evidence. We do know very well, that in this Caſe there have been attempts to Suborn Witneſſes, and that we ſhall prove in due time, and Attempts to deſtroy Witneſſes too; So that there hath been too much time loſt already, and I think to morrow is a very convenient time for him to make his Anſwer. And I muſt obſerve to your Lordſhips, that the Priſoner hath gained his end of not making his Anſwer this day by raiſing an Objection, which in my Thoughts carried no great weight in it, though when it was made, your Lordſhips were pleaſed to Adjourn upon it: But ſeeing he hath got his Point of deferring the making Anſwer till to morrow, there can be no reaſon he ſhould gain a further day, ſince the Depoſitions may be ready by to morrow as well as by the next day. And therefore we deſire your Lordſhips will be pleaſed to go on in the Tryal to morrow.

L. H. Steward. You ſhall know their Lordſhips pleaſure when they are withdrawn. Is it your Lordſhips pleaſure that we ſhould Adjourn?

Lords. Ay, Ay.

L. H. Steward. This Houſe is Adjourned into the Parliament Chamber.

So the Lords withdrew in their Order, and the Commons went back to their Houſe, and Mr. Speaker *reſumed the Chair.*

A Meſſage was ſent from the Lords by Sir Timothy Baldwin *and* Sir Samuel Clark.

Mr. Speaker. The Lords have ſent us to acquaint this Houſe, that they have ordered the Priſoner *William* Viſcount *Stafford* to be brought to the Bar in *Weſtminſter-Hall* to morrow morning at Ten of the Clock.

And then the Commons Adjourned to Eight of the Clock next morning.

The Third Day.

Thurſday, December 2. 1680.

AT the Hour of Ten in the Morning the Lords Adjourned into *Weſtminſter-Hall*, and returned in their former Order into the Court there Erected; and *Mr. Speaker* having left the Chair, the Commons were Seated as before: The Court being ſat, Proclamation for Silence was made, and the Lieutenant of the Tower commanded to bring his Priſoner to the Bar, which being done, the *Lord High Steward* ſpake to him as followeth:

L. H. Steward. My Lord *Stafford*, this is the time appointed to hear what your Lordſhip hath to ſay in your Defence, and to call your Witneſſes.

Sir *Will. Jones. My Lords*, yeſterday my Lord Viſcount *Stafford* was pleaſed to make mention of an *Affidavit* of Mr. *Turbervile* taken before two Juſtices of the Peace, wherein he was pleaſed to ſay there was ſome Amendment made, and ſo indeed we did then acknowledg

knowledg there was. But he had a deſire to ſee it notwithſtanding our acknowledgment, becauſe he was informed that that which *Turbervile* ſwore then, differed from what *Turbervile* ſwore Yeſterday. My Lords, at that time we had not the *Affidavit*, nor was it proper for us to produce it, for indeed it remained in the Juſtice of Peace's Hands that took it; but now that his Lordſhip may have full ſatisfaction, and not only his Lordſhip, but alſo all that are preſent at this Trial. I do inform his Lordſhip, that the *Affidavit* is in the hands of a Member of the Houſe of Commons, Sir *Will. Poultney* by name, and if his Lordſhip pleaſe, he may have it produced, and make what uſe he can of it.

L. H. Steward. 'Tis extream Honourably and Worthily done of the Houſe of Commons, and my Lord hath no manner of Exception left him.

L. Stafford. My Lords, If I ſhall have occaſion to uſe it, I ſhall call for it; but I would firſt ſay ſomething to your Lordſhips; *My Lords*, I firſt give your Lordſhips thanks, for granting me the liberty to come ſo late to Day, I have had a little ſleep upon it. Your Lordſhips heard Yeſterday, when you had Dr. *Oats* at the Bar, the firſt thing that he ſaid, as I remember, was to deſire you would be pleaſed to leave him to his own Method; I beg of your Lordſhips the ſame favour, that I may begin with the one or the other Witneſſes, or with matter of Law, as I pleaſe.

L. H. Steward. God-forbid but you ſhould take your own Method in your Defence.

L. Stafford. In order to which, I deſire firſt Mr. *Turbervile* may come to the Bar.

L. H. Steward. Do you call *Turbervile*, my Lord?

L. Stafford. Yes, *my Lord*, I do.

L. H. Steward. He is there, What ſay you to him?

L. Stafford. My Lords, I will ask him but one Queſtion, and I hope I ſhall have occaſion to ask him no more: When was the laſt time that he ſpoke with me?

L. H. Steward. Mr. *Turbervile*, I think I hear right, I do not know; My Lord *Stafford* asks when was the laſt time you ſpoke with his Lordſhip?

Mr. *Turbervile.* It was in *November* 1675.

L. Stafford. I have very much to ſay againſt his Evidence; but I hope your Lordſhips will not think him any Evidence at all against me, or any Body elſe. But I deſire your Judgment, whether I be not within the compaſs of the time limitted by the Statute.

Mr. Serj. *Maynard.* Expreſs your ſelf, *my Lord*, for we do not underſtand you.

L. Stafford. I cannot ſay more than I do; the time which the Statute limits is ſix Months, but this is five Years; I deſire the Statute may be read.

L. H. Steward. What Statute, my Lord?

L. Stafford. The Statute of the 13th of this King.

L. H. Steward. If your Lordſhip pleaſes you ſhall have it read: But your Lordſhip does not obſerve, you are Proſecuted and Impeached of High Treaſon upon the Statute of the 25th of *Edward* the 3d, not upon the Statute of the 13th of this King, made for the ſafety of the King's Perſon, which limits the Proſecution of ſome Offences to be within ſix Months; but the Proſecution for Treaſon may be at any time.

L. Stafford. Does your Lordſhip ſay it may be at any time?

L. H. Steward. Yes, *my Lord.*

L. Stafford. This truly does very much ſurpriſe me, though I am wholly ignorant in matters of Law. My Lords, I have ever heard that no man can be Proſecuted by that Statute but within ſo many Days, in one part

of

of it 30 Days, in another 6 Months; and I desire your Lordships that the Statute may be read.

L. H. Steward. If your Lordship please, the Statute shall be read; if your Lordship desires the Clause of the Statute of the 13th of this King, which limits the Prosecution to be within 6 Months, that shall be read. But I conceive your Lordship is not Accused upon that Statute.

L. Stafford. I beseech your Lordships, I may know whether I am Prosecuted upon the Statute of the 13th of this King, or upon what other Statute.

L. H. Steward. What say the Worthy Gentlemen of the House of Commons: Is my Lord Prosecuted upon the Statute of the 13th of this King?

Mr. Serj. *Maynard.* Not at all, *my Lord*, he is not Prosecuted upon that Statute, but upon the Common Law, and the 25th of *Edward* the 3d, which was only Declarative of the Common Law.

L. Stafford. This is a point of Law.

Sir *Will. Jones.* What is the point of Law?

L. Stafford. Whether I can be Prosecuted after so many Days.

L. H. Steward. The Law is very clear. If you were Prosecuted upon the 13th of this King for any less offence than Treason, you could not be Prosecuted after 6 Months, but if you be Prosecuted for Treason either upon the 25th of *Edward* the 3d, or 13 *Car.* 2d. there is no time limited, and God-forbid there should.

L. Stafford. I beseech your Lordships Judgment, whether there be not a Statute, I think 'tis in the Reign of *Edward* the 6th, that sets the time, after which no man shall be Prosecuted for any thing of Treason; I desire a quarter of an Hours time to look into the Statute.

L. H. Steward. What say you, Gentlemen?

L. Stafford. Pray my Lord, let me read the Statute of *Edward* the 6th.

Mr. Serj. *Maynard.* We know not of any such Statute.

L. Stafford. I will not say there is, but I will say, I cannot read if there be not.

L. H. Steward. Pray Gentlemen of the House of Commons, *my Lord* does suppose he hath some kind of Objection in Law to make, which he cannot make out of himself; will it be amiss to let his Counsel make, and propose the Question for him?

Sir *Will. Jones.* My Lords, We rather would have my Lord propose the Objection; for your Lordships know, till a matter of Law is proposed, he cannot be admitted to have Counsel. If he desires time to recollect himself about the Objection, we can't oppose it. But we desire that he may propose the Objection, and after if it be any doubt in matter of Law, your Lordships will assign him Counsel to be heard to speak to it.

Sir *Fr. Win.* This would be a way for a Prisoner to have the Advantage of Counsel, when they ought not to be allowed; for 'tis but to say, he hath some doubt which he cannot propose himself, and so let in his Counsel to make Objections for him. If any Question of Law do arise, and that Question is stated, you will allow the Prisoner Counsel to argue it, but at this rate he may make the like pretences in every part of his Defence, and so obtain that Counsel shall manage his whole Defence for him.

L. H. Steward. I suppose my Lord does intend an Objection as to the time of the Prosecution, but he does not know how to make it. He supposes he is Prosecuted after the 6 Months, which he thinks is the time limited for the Prosecution. But I pray, my Lord *Stafford*, will your Lordship take time to recollect your self, and make an Objection fit for Counsel to be heard upon, and you shall have it.

L. Stafford. I beseech you, I may have the Statute Book with me, for I have none my self, my Lord.

Sir

Sir *W. Jones.* With all our hearts, we do not oppoſe it.

Then my Lord withdrew into the Room provided for him, and within a quarter of an Hour returned.

L. H. Steward. Say, my Lord.

L. Stafford. My Lords, I do confeſs I have been very much miſtaken ever ſince I was firſt Committed to the *Tower:* For I did conceive that they would have proceeded, as I thought, I was Impeached upon the Statute of the 13th of this King. I humbly deſire your Lordſhips Judgment, whether I ought or no, to be Proſecuted upon that Statute?

L. H. Steward. The Gentlemen have told you already: They Proſecute you upon the Statute of 25th of *Edw.* the 3d, and upon the Common Law.

L. Stafford. And they lay aſide that Statute?

L. H. Steward. What Statute?

L. Stafford. The 13th of this King.

L. H. Steward. What ſay you, Gentlemen, once more?

Sir *Fr. Win.* My Lords, We have declared already to his Lordſhip, and if my Lord had looked well upon the Articles of Impeachment, he could not have put that Queſtion, but would have found himſelf Impeached for Treaſon at the Common Law, declared by the 25th of *Edward* the 3d.

L. Stafford. So then they lay that aſide of the 13th of this King.

Mr. Serj. *Maynard.* We do not mention any Statute, but we mention the Crime, and that Crime is againſt the Common Law declared by the Statute, to wit, The attempting the King's Death, and the ſubverſion of the Government.

L. Stafford. My Lords, There is no doubt but the attempting the King's Death is a great and hainous Crime, but, my Lords, I do not find that in the Impeachment, there is any Overt Act at all. And whether I ſhall anſwer to a Treaſon not proved by any Overt Act ſworn by two Witneſſes, I ſubmit to your Lordſhips. But, my Lords, becauſe your Lordſhips and the Houſe of Commons, may not think that I propoſe theſe things out of a deſire of delay; if your Lordſhips pleaſe, it may be ſaved to me with all other points of Law, I will go on to my proofs.

L. H. Steward. Yes, all theſe things ſhall be ſaved to you, pray let us hear your Evidence.

L. Stafford. Since your Lordſhips hath granted me that, be pleaſed to give me leave to go to my Evidence, and I begin with *Stephen Dugdale.*

L. H. Steward Set up *Dugdale.*

L. Stafford. Will your Lordſhips pleaſe I may have Pen, Ink, and Paper?

L. H. Steward. By all means, my Lord. (*Which was given him.*)

L. Stafford. May it pleaſe your Lordſhips *Stephen Dugdale* ſaid, if I underſtand him aright, (and I ask him again) that he knew ſomething of the Plot, 15 or 16 Years ago.

L. H. Steward. What ſay you, Mr. *Dugdale*, you hear the Queſtion. Did not you ſay you knew of the Plot 15 or 16 Years ago?

Mr. *Dugdale.* I did ſay it, and did explain my meaning in it. I did ſay there was among us ſuch a preparation to be made againſt the King died, of Arms and Money, that neither ſhould be wanting.

L. Stafford. I beſeech your Lordſhip, to ask what proportion of Arms was to be provided?

L. H. Steward. What proportion of Arms was to be provided?

Mr. *Dugdale.* I never heard it nominated how many abſolutely. I have heard of ſome Numbers. I heard of late of 30000 that were to be raiſed beyond Sea, what the whole number in *England* was, I have forgot, but I think I have heard Mr. *Gavan*, and ſome of the *Prieſts* ſay, That if there

was occaſion, they ſhould have at leaſt 200000 to aſſiſt them, that was of Men, and I ſuppoſe they had Arms as well as Men.

L. Stafford. My Lords, If this were true which he ſays Mr. *Gavan* ſaid, that they were 200000, I deſire to know what Men he meant, what Religion they muſt be of.

L. H. Steward. What Religion were they of that were to come in and help?

Mr. *Dugdale.* He did not name them at that time, but I underſtood them, and ſo I apprehend the Company would, that they were *Roman* Catholicks.

L. Stafford. 'T s a ſtrange thing that there ſhould be 200000 Catholicks raiſed, when there are not 20000 in *England* that can bear Arms.

L. H. Steward. Good my Lord, They might come from beyond ſea, and ſo they might be ſo many *Roman Catholicks*, though there were not ſo many in *England*.

Mr. Serj. *Maynard.* And he ſays not they were *Roman Catholicks*, but he heard ſo.

Mr. *Treby.* There might be ſo many *Roman Catholicks*, and ſuch as ſhould be with them.

L. Stafford. Did he hear 15 or 16 Years that I was one to be among them?

L. H. Steward. Anſwer that Queſtion: Did you hear then that my Lord *Stafford* was to be one among them?

Mr. *Dugdale.* I cannot remember it that I did, *my Lord.*

L. Stafford. Then, my Lords, I make this uſe of it: He tells you of a Plot 16 Years ago, that 200000 Men in Arms were ready againſt the King's Death.———

Mr. *Dugdale.* I did not ſay ſo, *my Lords*, I deſire I may be underſtood a-right.———

L. Stafford, You ſay you heard ſo.

Mr. *Dugdale.* I ſpeak as to the number of Men what I heard of late at the Conſults and Meetings within theſe two Years.

L. Stafford. But I ſpeak of 16 Years ago, what Number of Men was there to be raiſed?

Mr. *Dugdale. My Lords*, It was a general word that was amongſt us, That we muſt be provided againſt that time, againſt the Death of the King, but no Number at all.

L. Stafford. This, *my Lords*, under favour, I conceive does not concern me. He tells you there was ſuch a thing, it might be ſo, or it might not be ſo, I am not concerned in it, then 'tis out of Doors as to what concerns me: I conceive otherwiſe, if the Gentlemen conceive otherwiſe they will ſay ſo. Then, *my Lords*, the next thing is, How long ago it is ſince I firſt ſpake to him about this Plot, and I beſeech your Lordſhips he may mention time and place.

L. H. Steward. You hear the Queſtion, Mr. *Dugdale.*

Mr. *Dugdale.* The firſt time, to my beſt remembrance.———

L. Stafford. I beſeech you, *my Lords*, let us have no remembrance, but let him ſwear poſitively.

L. H. Steward. There is no mortal Man can ſwear otherwiſe than according to his Remembrance.

L. Stafford. When a mans Life and Honour, and all he hath is at ſtake, and indeed in Conſequence every man in *England* is concerned if they ſwear not poſitively, but ſtill ſay as I remember, who can make a Defence?

L. H. Steward. Mr. *Dugdale*, Go on and ſay as near as you can, and be as particular as you can, upon your Oath.

Mr. *Dugdale.* That which I can poſitively affirm is, it was about *Auguſt*, or *September* (78.)

L. Stafford. He ſaid yeſterday it was in the latter end of *Auguſt*, or the beginning of *September*, which are two Months. I beſeech you, what does he mean by the latter end of *Auguſt*, how long before the end of *Auguſt?*

L. H. Steward. How long was it before the laſt day in *Auguſt?*

Mr. Dugdale. My Lords, I will not be poſitive, but it was either in one Month, or the other, I did not keep a Diary, or elſe I would give your Lordſhips ſatisfaction.

L. Stafford. I beſeech your Lordſhips he may poſitively ſay whether in *Auguſt* or not in *Auguſt*, or whether in *September* or not in *September*.

Mr. Dugdale. I dare not venture to ſwear that, I dare not do it.

L. Stafford. Then ſaving my Exceptions to the incertainty of that afterwards, I would ask him what day was it in *September* that I ſpoke to him.

Mr. Dugdale. I remember one was either the 20th or 21th of *September* (78)

L. Stafford. My Lords, he ſays the 20th or 21th, does he ſay that was the firſt time he ſpoke with me?

Sir *John Trevor.* No, no.

L. Stafford. I beſeech you *my Lords*, they may not anſwer the Queſtions, but the Witneſſes; they cry No, no.

L. H. Steward. My Lord, you ſhall certainly have an anſwer to all the Queſtions you will ask.

L. Stafford. But when I ask, they anſwer for them, I would know whether that is the Courſe or no.

L. H. Steward. Do not diſquiet your ſelf for any thing that is ſaid about you, you ſhall have a fair Hearing.

L. Stafford. But, *My Lords*, I cannot but be diſquieted when I hear theſe Learned Gentlemen make Anſwers to my Queſtions for the Witneſſes.

L. H. Steward. Mr. *Dugdale* was the 20th or the 21th of *September*, you ſpeak of, the firſt time that you ſpoke to my Lord *Stafford?*

Mr. Dugdale. No, *my Lords*, it was not.

L. Stafford. Pray, *my Lords*, what day was it then I ſpoke firſt to him?

L. H. Steward. What was the day you firſt ſpoke to my Lord.

Mr. Dugdale. Truly *my Lords* I cannot remember ſo well as to tell you.

L. H. Steward. Do you remember when my Lord came to *Tixall?*

Mr. Dugdale. I remember one Sunday in particular, but I cannot tell what day of the Month it was.

L. H. Steward. Do you remember my Lord *Stafford* at *Tixall* in company of my Lord *Aſton*, and Father *Evers?*

Mr. Dugdale. Yes, I do.

L. H. Steward. Do you remember that any diſcourſe paſſed between them?

Mr. Dugdale. Yes, I do.

L. H. Steward. Was that before or after the 21th of *September?*

Mr. Dugdale. Both before and after.

L. Stafford. My Lords, he ſays there was a Conſult at *Tixall*, where ſuch and ſuch were preſent, and the Kings Death determined, I ask when was that?

Mr. Dugdale. That was in *September*, I cannot ſay poſitively the day, but in *September*, or the latter end of *Auguſt.*

L. Stafford. My Lords, I muſt acquieſce and ſubmit to your Lordſhips to do what you pleaſe; but if he does not Name times nor places, how can I make my Defence? I deſire he may ſay poſitively within five days of the one or of the other; and, *My Lords*, I will put it upon that, if he ſay five days before the end of *Auguſt*, or five days in the beginning of *September*,

tember, which one would think is ſpace enough, that is Ten days time.

L. H. Steward. My Lords do obſerve how far Mr. *Dugdale* goes, and that he is no further poſitive than he does expreſs himſelf.

L. Stafford. I beſeech your Lordſhips, I preſs this, becauſe it concerns me very much, that he may be poſitive within five days over or under.

L. H. Steward. Can you remember whether it were within five days of the one, or of the other?

Mr. Dugdale. Truly *my Lords*, I cannot be poſitive, if I had not made a particular Remark upon that of the 20th or the 21th, I could not have remembred that; for I did not then intend to reveal the Plot, or elſe I could have given you ſatisfaction in that.

L. H. Steward. My Lord, your Lordſhip hath an anſwer to it, he cannot ſpeak more poſitively to it than he does.

L. Stafford. I beſeech you then how is it poſſible I can make my Defence?

Mr. Dugdale. My Lords, I kept no Journal. If I had I would be more poſitive.

L. Stafford. He ſays it was the latter end of *Auguſt*, or the beginning of *September*, I deſire he will ſay whether it was the laſt week in *Auguſt*, or the firſt week in *September*.

L. H Steward. He anſwers he cannot tell, your Lordſhip muſt make what advantage you can of that Anſwer.

L. Stafford. I can make no advantage of it unleſs he does ſpeak poſitively to the time. *My Lords*, I beſeech you, I may know what is the end of *Auguſt* and the beginning of *September?*

L. H. Steward. My Lord, I hear you not.

L. Stafford. If a man ſays the beginning of *June* I was at ſuch a place, how many days is the beginning, and how many days the end of a Month? How much time will *your Lordſhips* underſtand the meaning of that to be? I am concerned extremely in the point of time, for it is that which the whole Buſineſs depends upon, I mean as to this Man.

L. H. Steward. My Lord, go on with your Evidence, I know not how to give you an Anſwer, what Judgment *My Lords* will make of it, or how much they will underſtand by it, till they are withdrawn, they obſerve how much your Lordſhip inſiſts upon it, and will hear what the worthy Gentlemen of the Houſe of Commons will anſwer to it.

L. Stafford. My Lords, my whole Buſineſs with this Fellow is concerned in a poſitive Anſwer to this Queſtion, I give him I think reaſonable time to confine himſelf to.

L. H. Steward. What ſay you to the 20th or 21th of *September*, my Lord?

L. Stafford. My Lords, I ſhall give a clear Anſwer to that anon; but I am extremely concerned in this to know whether it was in *Auguſt* or *September*.

L. H. Steward. My Lord, if your Lordſhip be concerned never ſo much at that, the Witneſs can ſwear no more than he can ſwear. He ſays about the latter end of *Auguſt*, or the beginning of *September*; will your Lordſhip ſtand ſtill for that?

L. Stafford. Well then I will go on as well as I can; as for the matter of the 20th or 21th of *September*, I beſeech *your Lordſhips* I may ask *Dugdale* one Queſtion, whether at the Tryal of Sir *George Wakeman*, or the Five Jeſuits he did not ſay the Conſult was in *Auguſt*, if he deny it, I ſhall prove it.

L. H. Steward. Mr. *Dugdale*, my Lord asks whether at the Tryal of *Wakeman*, or of the Five Jeſuits you did not ſay it was in *Auguſt*.

Mr. Dugdale.

Mr. *Dugdale. My Lords*, I did name there was a Conſult at *Boſcobel* in *Auguſt*, but I do not remember that I did name my Lord *Stafford* in any Conſult in *Auguſt* poſitively; but as I ſay now, the latter end of *Auguſt* or the beginning of *September*. But I did name that there was a Conſult at *Boſcobel* in *Auguſt*, (78.)

Lord *Stafford. My Lords*, He did ſay I was at the Conſult in *Auguſt*.

Mr. *Dugdale*. I did not ſay my Lord *Stafford* was there, I don't charge him in it, and if any ſuch thing was Printed I have wrong done me.

Lord *Stafford*. Then he ſays he had nothing to do with me till the latter end of *Auguſt* or the beginning of *September*. *My Lords*, I beſeech your Lordſhips to ask him whether in Sir *George Wakeman*'s Tryal he did not ſay, he was to receive orders from me in *June* or *July*, when I came into the Country.

L. H. Steward. Did not you ſay at Sir *George Wakeman*'s Tryal, That you were to receive orders from my Lord *Stafford* in *June* or *July*, when he came into the Country?

Mr. *Dugdale. My Lord*, I ſubmit to your Lordſhip and the reſt of my Lords here, whether when that Queſtion was asked by my Lord *Stafford*, I did not ſay, That the firſt time I entred into correſpondency with the Conſulters, they told me, My Lord was to come down then, and I ſhould receive orders from him? I had heard of my Lord *Stafford* before, but not to enter into any Conſults with him, till he came down, the latter end of that Summer.

Lord *Stafford*. I beſeech your Lordſhips pardon me, I deſire him to anſwer poſitively, whether at the Tryal of Sir *George Wakeman*, he did not ſay, he was to receive orders from me in *June* or *July*, when I came into the Country.

L. H. Steward. Did you ſay ſo at Sir *George Wakeman*'s Tryal?

Mr. *Dugdale*. I believe I did ſay ſo, for I had it from others, and not my Lord *Stafford* himſelf.

Lord *Stafford. My Lords*, in *June* or *July* I was not in the Country.

L. H. Steward. He ſays, You were to come down, not that you did come down.

Lord *Stafford*. If you will let him do thus, there is no man ſafe, I ſhall begin the Tragedy and millions will follow. He ſwore at the Tryal of Sir *George Wakeman*, or that of thoſe other perſons, That there was a Conſult at my Lord *Aſton*'s at *Tixal*, where I was one, in *Auguſt*.

Mr. *Dugdale. My Lords*, I did not ſwear ſo; but in *Auguſt* or *September*, or one of them, as now I ſwear.

Lord *Stafford*. I ſhall prove it by the Book, and Witneſſes that were there.

Mr. *Dugdale*. Then they did me wrong by printing it, for I never ſaid of your Lordſhip otherwiſe than I do now.

Lord *Stafford*. I deſire my Witneſſes may be called to prove it, for I conceive it is very material. *My Lords*, Does he deny it?

Mr. *Dugdale*. I do ſay there was a Conſult at *Tixal* in *Auguſt*, but I did not charge your Lordſhip poſitively to be there then, nor with more than I do now.

Lord *Stafford*. I think you did, and I have Witneſſes to prove it. And 'tis impoſſible for any man living to defend himſelf, if perſons ſhall ſwear as they ſuppoſe, think, or remember. I tell your Lordſhips, I was not there in all the Month of *Auguſt*.

L. H. Steward. Does your Lordſhip intend to call any Witneſſes?

Lord *Stafford. My Lords*, I thought I had more Witneſſes than I have. But I have two here, if your Lordſhips will hear them, that he did ſwear I was at *Tixall* in *Auguſt*.

L. H. Steward. Who are they?

Lord *Stafford.* My Daughter *Wincheſter* for one, and a Lady that is my Kinſwoman for another.

L. H. Steward. Let them ſtand up, they are not to be ſworn. You don't except againſt them, Gentlemen?

Sir. *Will. Jones.* No, let him prove what he can.

Lady Marchioneſs of *Wincheſter.* He did ſwear that he was to receive his orders from ——

L. H. Steward. Madam, your Ladyſhip is not upon your Oath; but you are under all the obligations of truth and honour in the world.

Lady March. *Wincheſter. My Lords*, by the grace of God I will not ſpeak an untrue word.

Sir *Will. Jones.* We deſire to know this Ladies Name?

Lord *Stafford.* It is my Daughter *Wincheſter.*

Lady March. *Winch.* This *Stephen Dugdale* did ſay, at the Tryal of Sir *George Wakeman*, That he was to receive orders from my Lord in *June* or *July*, when he was to come down; and that my Lord was at a Conſult at *Tixall* in *Auguſt.*

Kemans tryall p. 11.

L. H. Steward. Did he ſay poſitively in *Auguſt*, or in *Auguſt* and *September.*

Lady March. *Winch.* No, he did not name *September.*

Mr. *Dugdale. My Lords*, I might ſay my Lord was to come down then, but not that ever I ſaid he was there but as now.

L. H. Steward. But ſhe ſays, you did not name *September.*

Lord *Stafford.* Here is another Lady.

Sir *Will. Jones.* Who is ſhe, my Lord?

Lord *Stafford.* Mrs. *Howard*, Daughter to Sir *George Blount*, and Married to Mr. *Howard*, a Kinſman of mine; ſhe is now a Widow.

Mrs. *Howard. My Lords*, At the Tryal of Sir *George Wakeman*, *Dugdale* was asked to be poſitive in the Month my Lord *Stafford* came down. And he ſaid, he came down in *June* or *July*; but he ſaid the Conſult was in *Auguſt*, wherein my Lord *Stafford* was.

L. H. Steward. That Lady likewiſe ſays the ſame, That you would not be poſitive as to *June* or *July*; but as to *Auguſt* you were poſitive that my Lord was there.

Mr. *Dugdale.* No, *My Lords*, I only ſaid, in *Auguſt* there was a Conſult, and in *June* or *July*, my Lord was to come down.

Mrs. *Howard.* I do aſſure you we came to that Tryal on purpoſe to obſerve every word he ſaid about my Lord *Stafford*, and we have kept it in our memories ever ſince.

L. H. Steward. What do you ſay, Mr. *Dugdale*, to it?

Mr. *Dugdale.* I ſuppoſe there was a great many more at that Tryal than theſe two worthy Ladies, and I ſuppoſe ſome of them may remember, I ſaid no more than I do now. I ſaid then, my Lord was to come down at that time, and ſo I ſaid ſeveral times, but not poſitively that he was there till the end of *Auguſt* or the beginning of *September.*

Lord *Stafford. My Lords*, I do poſitively averr, here are two Witneſſes that ſay, he ſwore, I was there at the Conſult in *Auguſt.* Now it concerns me to prove, That I was not there in *Auguſt*, ſince he ſaid abſolutely I was there in *Auguſt*; and I aſſure you I can prove I was not there not all the whole Month. In the beginning of *Auguſt* I came from *London*, from my own Houſe; on *Tueſday* or *Wedneſday* the 6th of *Auguſt*, I went to my Lord *Bellaſis*'s, and that night I went to *George Porters*, the next night I went onwards towards *Bath*; when I was there I went over and ſtaid with my Noble Lord, the Marqueſs of *Worceſter*, there I ſtaid two or three days,

days, and I went thence to another place hard by there, and then I came back again to *Bath*, and went back again afterwards to my Lords Houſe; and the firſt or ſecond of *September*, I went from my Lords Houſe to *London*. Then if this be acknowledged, I need ſay no more; if not, I'll prove it by ſufficient Witneſſes: So then I was not there the whole Month of *Auguſt*, and the beginning of *September* he ſays he ſpoke with me. I was not there till the 12th of *September*. Now I beſeech your Lordſhips how that could poſſibly be the beginning of *September*. I ſubmit to you, Whether then he be a Witneſs fit to be heard, that ſhall ſwear poſitively what hath no colour of truth in it, I alſo leave to you. And if they object I was not where I ſay I was in *Auguſt*, I will prove it. And for the 20th and 21th of *September*, I do own ſomething of that, and I ſhall prove to your Lordſhips what it was.

L. H. Steward. Call what Witneſſes you pleaſe my Lord.

Lord *Stafford.* My Daughter proves when I went out of Town.

Lady March. *Winch. My Lords*, It was on a *Tueſday* my Father went to my Lord *Bellaſis*, he dined there, and then went on to *George Porters*.

Lord *Stafford.* That I was at *Bath* I ſhall call Witneſſes.

L. H. Steward. My Lord, You ſhould prove when you firſt came to *Tixal*, my Lord *Aſton*'s.

Lord *Stafford.* Will that ſatisfie your Lordſhip?

L. H. Steward. Me; 'Tis not me you are to ſatisfie, but my Lords, and the Gentlemen of the Houſe of Commons.

Lord *Stafford.* Then I do own to your Lordſhips, I came the firſt time the 12th of *September* to *Tixal*.

L. H. Steward. That was the firſt day you were there?

Lord *Stafford.* That Year, *My Lord*, it was.

Sir *William Jones.* Prove it.

Lord *Stafford.* Does he deny that, *My Lords?*

L. H. Steward. Do you deny that my Lord came firſt to *Tixal* the 12th of *September?* Or do you know he was there before?

Mr. *Dugdale. My Lords*, I have poſitively ſpoke to no day, but only to the 21th or 20th of *September*.

Lord *Stafford.* Where is my Lord Marqueſs of *Worceſter*'s Servant?

L. H. Steward. My Lord *Stafford*, It will be beſt for your Lordſhip to produce all the Witneſſes you have, and not to leave any thing undone that you can prove.

Lord *Stafford.* But I beſeech your Lordſhips, I may ask one Queſtion, if I ſhall name any of the Houſe of Peers as my Witneſſes, does that exempt them from being Judges?

L. H. Steward. No, my Lord. If your Lordſhip have any Witneſſes among any of my Lords here, they may very well teſtifie for you, and yet remain ſtill in the Capacity of your Judges: for my Lord of *Strafford* had a great many Witneſſes that were Peers. *See his Tryall. p.*

Sir *John Trevor.* We do not oppoſe it, *My Lords.*

L. H. Steward. My Lord, call your Witneſſes.

Lord *Stafford.* There is no place appointed for them, and therefore I could not have them ready here; I have ſent for them; I have a throng of them.

L. H. Steward. They will open the way, and we will ſtay for them.

Lord *Stafford. My Lords*, I deſire, that as Yeſterday, when the Witneſſes were ſworn againſt me, mine did not hear what they ſaid, ſo I deſire when my Witneſſes come, theirs may not be preſent.

L. H. Steward. My Lord, With your Lordſhips Pardon, it was not well done that your Witneſſes were not there; but if Witneſſes be to confront one another, ſhall they not hear what one another ſay?

Lord

Lord *Stafford*. *My Lords*, I am ſo clear in every thing, I will diſpute no little matters.

Then my Lords Witneſs ſtood up.

L. H. Steward. What is this mans name you call now, my Lord?

Lord. *Stafford*. Indeed my Lord I don't know.

Witneſs. My Name is *Bonny*, *My Lords*.

L. H. Steward. Does your Lordſhip call this man?

Lord *Stafford*. Yes, *My Lords*.

L. H. Steward. You are not upon your Oath, but you are to look that a ſtrict account will be taken of what you ſay.

Mr. *Foley*. *My Lords*, We deſire to know where this Witneſs lives?

Bonny. I live in *Exeter Street*, by *Exeter* Exchange.

Lord *Stafford*. I declare it, I know him not; but I am told he can Witneſs for me.

L. H. Steward. Your Chriſtian Name?

Bonny. *Thomas*.

L. H. Steward. What profeſſion are you of?

Bonny. I live as Clerk of the Kitchin to my Lord Marqueſs of *Worceſter*.

Mr. *Foley*. What Religion are you of?

Bonny. A Proteſtant, one of the Church of *England*.

Lord *Stafford*. *My Lords*, I humbly move your Lordſhips, When I asked Mr. *Smith* the firſt day, where he was made a Prieſt, the Gentleman ſaid, he was not bound to anſwer any thing againſt himſelf that might make him Criminal. I deſire that the Queſtion may not be put to my Witneſſes what Religion they are of.

L. H. Steward. The Gentleman will not offer to ask any Queſtion that may make a man accuſe himſelf; but my Lord, a Papiſt or not Papiſt is not ſo penal as a Prieſt or no Prieſt.

Mr. *Foley*. To acknowledge a mans ſelf a Papiſt, is not to make him a Criminal.

L. H. Steward. What does your Lordſhip call this Witneſs for?

Lord *Stafford*. To prove when I was at my Lord Marqueſs of *Worceſters*.

L. H. Steward. What ſay you, when was my Lord *Stafford* at my Lord Marqueſs of *Worceſters*?

Bonny. In *Auguſt* (78.)

L. H. Steward. Do you remember it perfectly?

Bonny. Very well.

L. H. Steward. What day of *Auguſt*?

Bonny. The 17th of *Auguſt*, which my Lord Marqueſs keeps as his Wedding Day every Year, and the Gentlemen of the Country are invited thither. My Lord *Stafford* was then at *Bath*, and my Lord Marqueſs was pleaſed to ſend his Coach for him, to be preſent there that day; there he ſtaid that day and the next day, and then returned on *Monday*. And in the ſame Month, the 31th of *Auguſt*, my Lord came again from *Bath* to *Badminton*, my Lord Marqueſs of *Worceſter's*, and upon the *Monday* after returned for *London*.

L. H. Steward. That was the beginning of *September*?

Bonny. Yes, the 2d he went to *London*.

L. H. Steward. Will you ask him Gentlemen any Queſtions?

Managers. No, *My Lords*.

L. H. Steward. Call another Witneſs then. (*Who ſtood up.*)

L. H. Steward. What is this mans name?

Witneſs. *Thomas*.

L. H. Steward. *Thomas* what?

Witneſs. *Thomas White*.

L. H. Steward. Where do you live?

White. I live with my Lord Marqueſs of *Worceſter* at *Badminton.*

L. H. Steward. What do you ſay?

White. My Lords ----

Lord Marqueſs of *Worceſter.* My *Lord Steward*, I have only this to ſay, My Lord *Stafford* deſired that his Witneſſes might not be asked what Religion they were of, but I deſire all my Servants may be asked, for I keep none but Proteſtants.

L. H. Steward. What Religion are you of?

White. A Proteſtant.

Lord *Stafford. My Lords*, I did not require it for them; I know my Lord keeps none but Proteſtants, but I asked it for others of my Witneſſes, that may come and be ſtartled at it.

L. H. Steward. What ſay you, when was my Lord *Stafford* at my Lord Marqueſs of *Worceſters* Houſe?

White. The 17th of *Auguſt* (78.) I fetched him from *Bath*, being my Lords Wedding Day.

L. H. Steward. You fetched him?

White. Yes, *My Lords.*

L. H. Steward. What place do you ſerve my Lord Marqueſs in?

White. As Coachman.

L. H. Steward. Was he there afterwards?

White. Yes, he was, but I can't remember the day, only this being a remarkable Day, I can remember it.

L. H. Steward. Did you carry my Lord from thence towards *London?*

White. Yes, I did.

L. H. Steward. When was that?

White. The ſecond of *September* to the beſt of my remembrance.

L. H. Steward. Gentlemen, Will you ask him any Queſtions?

Managers. No.

Lord *Stafford.* I think this is ſo clear, I ſhall not need to trouble your Lordſhips further with more Witneſſes.

L. H. Steward. Call whom you pleaſe, my Lord, and as many as you think fit, they ſhall be heard.

Lord *Stafford.* One more then, *My Lords.* (*who ſtood up.*)

L. H. Steward. What is your Name?

Witneſs. Richard Bevan.

L. H. Steward. Who do you live with?

Bevan. I am Groom to my Lord Marqueſs of *Worceſter.*

L. H. Steward. What Religion are you of?

Bevan. A Proteſtant.

L. H. Steward. Do you remember when my Lord *Stafford* was at the Marqueſs of *Worceſters* Houſe?

Bevan. Yes, I do.

L. H. Steward. What time was it?

Bevan. The 17th of *Auguſt.*

L. H. Steward. Do you remember any other day?

Bevan. No, my Lord, But he was there that day.

L. H. Steward. Will you ask him any Queſtions?

Managers. No, *My Lords.*

Lord *Stafford. My Lords*, If your Lordſhips pleaſe, I deſire my Lord Marqueſs of *Worceſter* may tell your Lordſhips, whether his men have ſaid true or no.

Lord Marq. of *Wor. My Lords*, I do remember, that my Lord *Stafford* was pleaſed to do me the Honour, to come upon my Wedding day from the *Bath*,

and dine with me, as moſt perſons of quality that are of my acquaintance, and happen to be at the *Bath* at that time, are pleaſed to do. And as moſt of the Gentlemen of the Country, within ſuch a diſtance do alſo. (And that day is the 17th of *Auguſt*) I think he was there once or twice after, from the *Bath*, but I cannot tell preciſely the days; but that particular day I remember, becauſe it was my Wedding day.

L. H. Steward. Can your Lordſhip remember when my Lord *Stafford* went to *London?*

Lord Marq. *Worceſter.* Truly I cannot tell that, *My Lords.*

L. H. Steward. Did you not after that, lend my Lord your Coach?

Lord Marq. *Worceſter.* Yes, I did, to carry him as far as *Sandy-lane*, on the Road to *London*; but the particular day I remember not; but one of the perſons examined (who was then my Clerk of the Kitchin) muſt needs know, becauſe he Books every day, who is in the Houſe, and therefore I believe what he has ſaid is true.

Lord *Stafford. Stephen Dugdale* I deſire may come again. I conceive I have made it plain to your Lordſhips, that *Stephen Dugdale* did ſwear, That in *Auguſt* there was a Conſult at my Lord *Aſton's*, where I was, and I conceive it is alſo clear that in *Auguſt* I was not there; and then if it were the beginning of *September*, that could not be neither, for I came not down to *Tixall* 'till the 12th. I beſeech you to ask him when I offered him the Five hundred pounds to Kill the King, I think he ſays it was the 20th or 21th.

L. H. Steward. What was the time my Lord offered you the Five hundred pound?

Mr. *Dugdale.* It was about that time, the 20th or 21th of *September* to my remembrance.

Lord *Stafford.* He ſaid poſitively before, it was one of thoſe two days, I beſeech your Lordſhip to ask him where it was?

L. H. Steward. Where was that offer made?

Mr. *Dugdale.* In my Lords Lodging Chamber at *Tixall.*

Lord *Stafford.* Then one Queſtion more, I deſire your Lordſhip to ask him, what day the Race was at *Etching*-Hill between Sir *John Crew's* man and *Lazinby?*

Mr. *Dugdale.* If it pleaſe your Lordſhip, I do conceive it was about that time.

Lord *Stafford.* I pray he may anſwer poſitively, for if you pleaſe I will tell you how it was. It is very true the 20th of *September* this fellow was in my Chamber, and I ſhall trouble your Lordſhips with ſome little diſcourſe about it, and my reaſons why: Firſt, I beſeech your Lordſhips to permit me to let you know, that this fellow did ſerve my Lord *Aſton* in the quality of a Bailiff. And I never thought him to be an honeſt man, he was a mean Servant, and when the other Servants waited but till the ſecond courſe came in, he ſtaid till the Coach-man and the Groom went to Dinner, and eat with them. I profeſs before God it is true as that the Sun ſhines, I have often and often, I cannot tell how many times, when I have been very dry at my Lords Table, and ſeen him by me, not called for Drink, I did deteſt him as ſo mean a Knave, that I often refuſed to take Drink at his hands. And now for me to offer this Fellow Five hundred pounds——

L. H. Steward. I think your Lordſhip ſays he was Bailiff to my Lord *Aſton.*

Lord *Stafford.* But I knew him to be an errant Knave, and a great Gameſter at Races and ſuch things.

L. H. Steward. My Lord, would you have offered Five hundred pounds to an honeſt man to Kill the King?

Mr. Serj. *Maynard.* You ſaid you never ſaw him.

Lord *Stafford.*

Lord *Stafford*. I ſaid I had ſeen him, but now I did not know him by his Perre wig.

L. H. Steward. Did you not know him, my Lord?

Lord *Stafford*. No, *My Lords*, I profeſs I did not.

L. H. Steward. Why your Lordſhip was a going to ſhew that the Race at *Etching*-Hill was upon the 20th of *September*, and your Lordſhip confeſſes, that he did ſpeak with you on the 20th of *September* in your Chamber; and *Dugdale* ſays, this day was the very offer made him of Five hundred pounds to Kill the King. What do you ſay *Dugdale*, were you at the Race?

Mr. *Dugdale*. Yes, I was with my Lord at the Race.

L. H. Steward. Did my Lord ſpeak with you before he went or after?

Mr. *Dugdale*. Before.

L. H. Steward. That morning in his Chamber?

Mr. *Dugdale*. Yes, it was that very morning, before he went to the Race.

Lord *Stafford*. I do own, my Lord, thus far, he was in my Chamber that morning; but, my Lord, I can prove what I ſay to you. *My Lords*, that 20*th* of *September* in the morning, I was in my Bed, and there comes a Servant of mine that hath ſerved me Twelve or Fourteen Years, and he comes in to me, and ſays, Yonder is *Stephen Dugdale* very deſirous to go to this Race; it ſeems he ſays he went along with me to this Race.

Mr. *Dugdale*. I ſay I went either before or after, or when you went to the Race, for I was with you at the Race.

L. H. Steward. Whether he went with you, or no, is not the point, but whether he was in your Chamber at that time.

Lord *Stafford*. 'Tis the point, for he ſaid juſt now, he went with me, as I apprehended him. But I tell your Lordſhips, my Servant came and told me, *Stephen Dugdale* deſires that you will ask my Lord *Aſton* leave that he may go before to the Race, my Lord is angry with him already for his medling in Races, and he dare not ask himſelf. *My Lords*, I was a little concerned in the Race, for I had betted ſome Money, and I thought with my ſelf, ſhould I ask my Lord *Aſton* leave for him to go, my Lord will not deny me, but perhaps will take it ill to be asked; ſo I was not over willing to do it. But I bid my Servant call him in, and when he came, I asked him ſome fooliſh Queſtions about the Race, as who he thought would win, and the like; but I told him I would get leave of my Lord for him. *My Lords*, I did go to my Lord *Aſton*, and told him, My Lord I am ſending my Servant before to the place of the Race, but I am afraid he does not well know the way, ſhall *Stephen Dugdale* go along with him? My Lord gave him leave to go; but, *My Lords*, I dreſſed me, and did not ſpeak one tittle more to this *Dugdale*, but he went away before, and I was hardly or but juſt dreſt when he was gone.

L. H. Steward. I pray, my Lord, was your Lordſhip at no time alone with him in your Chamber?

Lord *Stafford*. No, never ſince I was born, never in all my life.

L. H. Steward. No, my Lord!

Lord *Stafford*. He ſays my ſervants uſe to come for him, I profeſs it is all falſe.

L. H. Steward. What ſay you to that, Mr. *Dugdale?*

Mr. *Dugdale*. *My Lords*, I was in my Chamber, and buſie when my Lord ſent for me that morning; and it was either by his Page or one that waits on him in his Chamber; I went to my Lord, and the Page was in the Chamber, and he ordered him to go out.

Lord *Stafford*. I declare and averr to your Lordſhips he was in the Hall or the next room and deſired to come in.

L. H. Steward. Where is the Page?

Lord *Stafford*.

Lord *Stafford.* This fellow was but a poor Boy, found at the Door, then he was a Threſher, and now a Witneſs for the King.

(*Then my Lord* Stafford's *man ſtood up.*)

L. H. Steward. What is your Name?

Witneſs. My Name is *Nicholas Furneſe.*

L. H. Steward. Do you remember the day of the Race at *Etching*-Hill?

Furneſe. Yes, I do, *My Lords.*

L. H. Steward. Do you remember *Dugdale* was in your Lords Chamber that morning?

Furneſe. Yes, I do.

L. H. Steward. Do you remember whether your Lord did bid you go out or no?

Furneſe. No, he did not.

L. H. Steward. Were you there all the while *Dugdale* was there?

Furneſe. Yes, *My Lords*, I was.

L. Stafford. Pray, *My Lords*, ask him whether I ſent for *Dugdale*, or he deſired to ſpeak to me.

L. H. Steward. Did my Lord ſend for *Dugdale*, or did he come to you to ſpeak to my Lord for him?

Furneſe. No, *Dugdale* ſpoke to me firſt.

L. H. Steward. What did he ſay to you, pray?

Furneſe. My Lords, About eight or nine of the Clock in the morning, I came to go to my Lords Chamber, and I came through my Lord *Aſton*'s Hall, and coming through, I met Mr. *Dugdale* coming to me, and ſaid, he had one favour to deſire of me. He ſaid, he would fain go to the Race, but ſaid he, I do not know how to go, for my Lord is very angry with me, and if I ſhould ask him, he would be worſe, for he is diſpleaſed that I have medled ſo far in theſe matters already: Therefore I deſire ſome means may be uſed that I may go, and I deſire that you would ſpeak to my Lord, to get leave for me to go; for Mr. *Fox* is there, and hath a great deal of Money in his hands, and divers people will give Money to bett; and ſo it will be a great loſs and prejudice to me not to go. So I did promiſe him, *My Lords*, and I went into my Lords Chamber, and told him; and when I had ſpoke to my Lord, my Lord bid him come in, and when he came in, my Lord asked him ſeveral queſtions about the Race; my Lord asked him what hopes he had, for he ſaid, a great deal of money was laid by ſeveral people; he replyed, he could win, but he wanted Money to bett; ſays my Lord, I will bett Twenty pound for *Staffordſhire* ſake though I were ſure to loſe. And then after ſome diſcourſe to that purpoſe, my Lord told him, he would ſpeak to his Lord. After my Lord was dreſt, he went out of his Chamber, and went to my Lord *Aſton*, to ask him leave for *Dugdale*; and my Lord bid me make my ſelf ready to go to the Race. About nine or ten of the Clock I was ready to go, and coming down the back ſtairs, my Lord met me; go, ſays he, to *Etching*-Hill, and ſee what bets there are, and take *Stephen Dugdale* with you to ſhew you the way, for I have asked his Lord leave for him to go. So *Stephen Dugdale* went along with me to the Stable, and took out his Horſe; mine was not ready, but I overtook him in half a mile, and it was eleven of the Clock ere we were at *Ridgley.* I asked him ſome queſtions about one Mr. *Gerard*; and I think about Twelve of the Clock we were at the Race, and I ſtaid till one with him, and Mr. *Fox*, who was a party concerned in the Race, and there were ſeveral betts laid; I was watchful when my Lord ſhould come, leſt he ſhould want me: So I left them, and went to the Room where my Lord was to dine; and when I went to my Lord I left him betting. About two of the Clock the Lords and Gentlemen all went to Dinner (that were there) and when we had half

dined,

dined, betwixt two and three, *Dugdale* came in, and we asked him how the wagers went? he ſaid he would bett gold to ſilver if he had it, but he had betted away all his Money. I know not how much. So there was a Gentleman that was Servant to my Lord *Aſton*, one *George Hobſon* by Name, he lent him two Guineys and odd Money, and I lent him ſome forty or fifty Shillings out of my own Pocket, which I told him I would not lend unleſs he would give it me at the Hill again, before the Race began, becauſe I was fearful my Lord ſhould go to *Stafford* again, from my Lord *Aſton*'s that night. About four or five a Clock I went up to the Race, and demanded my Money, and he paid it me before the Race begun, and after the Race was done I loſt him. My Lord went home, and I waited on him. This was about five or ſix, and about the mid-way towards my Lord *Aſton*'s Houſe he went into the Coach, and I got on Horſeback, and we got home about ſix or ſeven of the Clock, as I ſuppoſe. But at night after Supper I inquired for *Dugdale*, how he took his looſings, and how he did after it? They told me, he was gone to Bed, ſo I ſaw him no more that night. The next morning my Lord bid me come betimes, for he would go to *Stafford* that morning, where we Dined, at Mr. *Abden*'s, and from thence took our way to go to my Lords own Houſe.

Lord *Stafford*. Now, *My Lords*, if you pleaſe to ask this Boy, whether I bid him go and call *Dugdale* to me, and leave him there.

L. H. Steward. My Lord *Stafford* did bid you, Mr. *Furneſe*, go and dreſs your ſelf, and make you ready for the Race, did you not leave *Dugdale* behind you in the Chamber when you went to dreſs your ſelf?

Furneſe. No, my Lord, *Dugdale* was gone thence, and my Lord was gone too, before me to my Lord *Aſton*'s.

L. H. Steward. I ſtill ask you the Queſtion, (you are upon an obligation very great, as much as if you were upon your Oath) whether you were in my Lords Chamber before *Dugdale* came in, and ſtaid till after he went out?

Lord *Stafford*. And whether I bid him go out or no?

L. H. Steward. Were you there before *Dugdale* went in?

Furneſe. He went along with me in, I conducted him in.

L. H. Steward. Did you ſtay all the while *Dugdale* was there?

Furneſe. As near as I remember I ſtaid there all the while.

Lord *Stafford*. Ask him poſitively.

Furneſe. Yes, *My Lords*, I was there all the while *Dugdale* ſtaid, but I cannot ſay poſitively how long it was.

L. H. Steward. Mr. *Dugdale*, you are upon your Oath, he ſays he came in along with you, and you went out of the Chamber before him, and he was there all the while you were there.

Mr. *Dugdale*. *My Lords*, I am not poſitive which of my Lord's Servants it was that came for me, but one it was. But when I came into the Chamber to my Lord, my Lord was getting up, and he charged them both to go forth, and the Room was clear, and I ſaw no body.

L. Stafford. *My Lords*, ask my man.

Furneſe. My Lord never bid me go forth that day, nor any elſe in my life when any was in the Room.

Mr. *Dugdale*. *My Lords*, if it pleaſe your Lordſhips, Mr. *Furneſe* was pleaſed to ſay, I would bett gold to ſilver, but in that he was miſtaken, for the odds was quite ſix to four againſt us.

L. H. Steward. Well we are not upon the Race now, or the wagers laid there. But, Gentlemen of the Houſe of Commons will you ask this man any Queſtions?

Sir *William Jones*. No, *My Lords*, We have none to ask.

Sir *Tho. Lee.* We desire to know where he lives now, what Country-man he is, and what Religion he is of?

L. H. Steward. Whom do you serve now?

Furnese. My Lord *Stafford.*

L. H. Steward. Do you live with him still?

Furnese. Yes, I do, and have done this fourteen years.

L. H. Steward. What Country-man are you?

Furnese. A *Dutch*-man.

L. H. Steward. Where born?

Furnese. At *Brussels.*

Sir *Francis Winnington.* We would ask him what persuasion or Religion he is of.

L. H. Steward. You may be sure of what answer you shall have.

Furnese. I am a Roman Catholick.

L. Stafford. That is as good as a Jew.

Mr. *Treby.* The question is not intended for any harm, not with any purpose to criminate him, 'tis only in regard of his credit in this matter.

L. H. Steward. Call another Witness, my Lord.

Lord *Stafford.* Where is *George Leigh?* (*Who stood up.*)

L. H. Steward. How old are you?

Leigh. I am about fifteen or sixteen.

Lord *Stafford.* *My Lords*, I believe he is eighteen or nineteen.

Mr. *Treby.* Whose Servant is he?

Lord *Stafford.* He is my Servant, he hath served me seven or eight Years.

L. H. Steward. What does your Lordship call him for?

Lord *Stafford.* To tell you, whether I bid my Servants to go out when *Dugdale* came in, and whether ever he saw *Dugdale* and I alone.

L. H. Steward. *George Leigh*, How long have you lived with my Lord *Stafford*?

Leigh. Seaven Years the 10*th.* of *June* last.

L. H. Steward. Why then you were but nine years old when you came to him?

Leigh. No, *My Lords*, I think I was not.

L. H. Steward. Do you remember when my Lord *Stafford* was at *Tixall?*

Leigh. I do not remember the Month very well.

L. H. Steward. Do you remember the time of the Race at *Etching*-Hill?

Leigh. I do not remember the day, but I was at it.

L. H. Steward. Did Mr. *Dugdale* come into your Lords Chamber that morning?

Leigh. I do not remember he was there that very morning.

Lord *Stafford.* Be pleased to ask him, whether ever I bid him go out of my Chamber when *Dugdale* was there.

L. H. Steward. Did you ever see *Dugdale* any other morning in your Lords Chamber?

Leigh. *My Lords*, I think not, I am not certain, he was there one morning and it was about a Race, but I am not certain what Race it was, whether it was two Boys ran or two Men.

L. H. Steward. Did your Lord bid you go out of his Chamber?

Leigh. No, *My Lords.*

Lord *Stafford.* *Dugdale* says, I often sent him for him, pray ask him that Question.

L. H. Steward. My Lord, this Boy does not remember that *Dugdale* at all was at your Chamber that time of the Race at *Etching*-Hill; so that it is not material to the thing in question.

Lord *Stafford.*

Lord *Stafford*. Yes, *My Lords*, *Dugdale* told your Lordſhips yeſterday, That I ſent this Boy often for him.

L. H. Steward. Did ever this Boy come for you?

Mr. *Dugdale*. Yes, he hath I am ſure come to my Chamber for me to go to my Lord.

L. H. Steward. Were you ſent for by my Lord more than once?

Mr. *Dugdale*. Yes, ſeveral times.

L. H. Steward. Before or after the Race?

Mr. *Dugdale*. Both before the Race, and after the Race.

L. H. Steward. By whom were you ſent for?

Mr. *Dugdale*. Sometimes by the Gentleman that was laſt examined, and ſometimes by this Boy.

L. H. Steward. Did you ever come from my Lord *Stafford* to bid *Dugdale* come to him?

Leigh. *My Lords*, I do not remember that ever I did.

L. H. Steward. Tis an hard thing to remember ſo long.

Lord *Stafford*. If ever he came once to me, and was alone with we, I will be content to acknowledge all this to be true. Pray ask the other man, if ever I ſent him for him.

L. H. Steward. He did teſtifie before, that he came with him that day to your Lordſhips Chamber.

Lord *Stafford*. That day, *My Lords*. But he ſays, other days I ſent for him.

L. H. Steward. Call *Furneſe* again. (*Who ſtood up.*) *Furneſe*, did my Lord *Stafford* ever ſend you for *Dugdale*, either before or after the Race?

Furneſe. Never, *My Lords*, to his Chamber.

L. H. Steward. Did he, ever in his life, ſend you to Mr. *Dudgale* to ſpeak with him, as you remember?

Furneſe. Never, *My Lords*.

Lord *Stafford*. He was, *My Lords*, ſuch a Fellow, I could not endure he ſhould come near me, ſuch an Impudent lying Fellow.

L. H. Steward. Have you any more Witneſſes, my Lord?

Lord *Stafford*. Yes, a great many.

L. H. Steward. Call them all, I pray.

Lord *Stafford*. *My Lords*, I hope you think I would not be ſo great and impudent a Fool to employ ſuch a Fellow as this, who not long after, run away from my Lord *Aſton's*.

L. H. Steward. Who did?

Lord *Stafford*. *Stephen Dugdale*. And for that, if you pleaſe, I would call ſome Witneſſes.

L. H. Steward. Call *Furneſe* again. (*Who ſtood up.*) Did you ever ſee *Dugdale* and my Lord *Stafford* together?

Furneſe. Never in my life.

L. H. Steward. Why, you ſaw them together that morning you brought him to the Chamber.

[*Then the Auditory laughed.*

Furneſe. Never alone.

Lord *Stafford*. I did not think I was in a Cock-Pitt, or a Play-Houſe. But if your Lordſhips pleaſe to let me call my Witneſſes, to prove, That *Dugdale* ran away from my Lord *Aſton*, I ſhall call for that *Thomas Sawyer*.

(*Who ſtood up.*)

L. H. Steward. What is your Name?

Witneſs. *Sawyer*.

L. H. Steward. Your Chriſtian Name?

Witneſs. *Thomas*.

L. H. Steward.

L. H. Steward. Who do you live withall?

Sawyer. My Lord *Aſton.*

L. H. Steward. Where do you live?

Sawyer. At *Tixall.*

L. H. Steward. Are you my Lord *Aſton*'s Servant?

Sawyer. Yes.

L. H. Steward. How long have you been ſo?

Sawyer. Six years, and ever ſince *Michaelmas.*

L. H. Steward. What have you to ſay?

Sawyer. As to *Dugdales* reputation, I have this to ſay, How that he went from my Lord *Aſton*'s for debt, and was taken by the watch, at *Heywood.*

L. H. Steward. When was that?

Sawyer. The latter end of *November* or the beginning of *December.*

L. H. Steward. What Year?

Sawyer. (78.)

L. H. Steward. Then the Family broke up.

Sawyer, And coming thither, and being taken by the Watch, he was brought by the Juſtices to *Tixall*; and after the Juſtices had been with my Lord, their reſolution was, to carry him to the Gaol. So coming to *Tixall* where *Dugdale* was, at an Ale-houſe, he deſired me to go to my Lord, and deſire him, that he would own him as his Servant, for he was ſo much in Debt that he ſhould elſe be undone for ever. In the mean time Mr. *Philips* the Parſon of the Town had been with my Lord (for *Dugdale* had deſired him to go to him alſo) and he asking me whither I was going, ſaid I, I am going to my Lord, from *Dugdale*, to deſire him to own him as his Servant, ſaid he, I have been with my Lord juſt now, and he ſaid, he will not own him as his Servant; it was his own act and deed. So Mr. *Philips* and I came back to him, and told him. So he ſat down in the Chair, and then roſe up again, and ſwore, He would be revenged of my Lord *Aſton* if ever it lay in his power.

L. H. Steward. You never heard him ſay, he would be revenged of my Lord *Stafford*, did you?

Sawyer. No, of my Lord *Aſton.* Then another time, being at *Stafford*, he owed me Twenty nine Pounds, and he was under the Serjeants hands, and then he promiſed me from time to time he would pay me, and did not keep his word. This was three or four days before he begun to peach. He bid me come ſuch a day, and he would pay me part of the Money; and when I came thither, he told me, it was reported, That he ſhould be a peacher; and that there was a ſpeech, how that he ſhould have two hundred pounds for informing, that there were Fourteen Prieſts in the Country; but he takes a Glaſs of Drink, and *Thomas*, ſays he, by God, I wiſh this may be my damnation and my Poiſon, if I know of any Plot, or any Prieſts.

L. H. Steward. Was not he a Papiſt then?

Sawyer. I cannot abſolutely tell that, whether he was or no.

L. H. Steward. Do you know one Father *Evers?*

Sawyer. My Lords I have ſeen him.

L. H. Steward. Hath he never been at *Tixall?*

Sawyer. Yes, *My Lords*, I have ſeen him there.

L. H. Steward. And have not you ſeen *Dugdale* in his Company?

Sawyer. Yes I have.

L. H. Steward. Did not you at *Tixall* think *Dugdale* a ſtout able Fellow?

Sawyer. No, he never was accounted to be ſo.

L. H. Steward. Then I ask you, if you thought him an honeſt man, or a rich man?

Sawyer.

Sawyer. No, truly, *my Lords*; for I'le tell you more than that, my Lord *Aſton* employed him to be his Bayliff, and receive his Rents, and to pay Workmen their Wages, which he received every Saturday; and my Lord *Aſton* did Accompt with him, where he did ſet his hand to receive the poor Workmens Wages according to their Bills, when they had not been paid ſome of them whole years, and half years, and quarters. And they came and cried to my Lord, that they were not paid; and thereupon *Dugdale* did ſay, That one of them had demanded more of my Lord than was his due; for he ſaid he had reckoned ſuch a day with him, and paid him ſo much money; which man ſaid he was not that day at *Tixal*, and ſo he hindered him of part of his money.

L. H. Steward. Did you ever know that *Dugdale* did forſwear himſelf?

Sawyer. That I do not know, *my Lords.* I did hear he was concern'd in a Race, about which there was a Tryal and a Diſpute which had won. (This I have heard by Report.)

Sir *Fran. Win.* Speak your own knowledge, not Reports.

L. H. Steward. I ask you, do you remember the day when my Lord *Stafford* came to *Tixal*?

Sawyer. He came on the 12th day of the month.

L. H. Steward. What, *September*?

Sawyer. Yes, the 12th of *September.*

L. H. Steward. Did you ever ſee *Dugdale* in the Company of my Lord *Stafford*, while he was at *Tixal*?

Sawyer. No, never in the Houſe, but at the Race, he hath come into the Parlour.

Mr. *Treby.* You had Diſcourſe with *Dugdale*; you ſay he took a Glaſs and drank, and wiſhed it might be his Poyſon. Was not Father *Ewers* that time at my Lord *Aſton's*?

Sawyer. Not as I know of, *my Lords.*

Mr. *Treby.* Was he not commonly there?

Sawyer. Yes.

Mr. *Treby.* If he were, Mr. *Dugdale* muſt know it; and how then could he take a Glaſs and wiſh it were Poyſon if he knew where any Prieſt was, ſince it was apparent he knew where that Prieſt was? 'Tis moſt improbable Mr. *Dugdale* ſhould ſay thus!

Sawyer. My Lords, this was three or four days e're he confeſſed any thing he knew of his knowledge.

Mr. *Treby.* What Perſwaſion of Religion are you?

Sawyer. Of the Church of *England.*

Mr. Serj. *Maynard.* Pray, *my Lords,* ask him one Queſtion; he ſays *Dugdale* went away from my Lord *Aſton's*: was not there a ſpeech of a Plot (at that time) that was diſcovered?

Sawyer. Yes, that I heard.

Sir *Fran. Win. My Lords,* I would ask him one Queſtion more: Was there no diſcourſe of the death of a Juſtice of Peace that was ſaid to be killed in *London* about that time?

Sawyer. To my beſt remembrance, as I heard, there was.

Mr. *Dugdale. My Lords,* if *your Lordſhips* pleaſe that I ſhould call Witneſſes to confront him now, or afterwards?

Sir *Will. Jones.* Not now; ſtay till your time comes.

Lord *Stafford.* Then call *Philips.* (*Who ſtood up.*)

L. H. Steward. What is your Name, Sir?

Witneſs. Ralph Philips.

L. H. Steward. What are you, a Clergy-man?

Mr. *Philips.* Yes.

L. H. Steward. Are you beneficed?

Mr. *Philips.* Yes, my Lord.

L. H Steward. Where?

Mr. *Philips.* At *Tixal*, my Lord.

L. H. Steward. You are a perſon that knows the Obligation that lies upon you to give a true Teſtimony; what can you ſay of Mr. *Dugdale?*

Mr. *Philips. My Lords*, I have very little to ſay concerning *Stephen Dugdale* as to any thing of the Plot, but in reference to what he ſhould relate concerning Mr, *Sambidge* and me in the Narrative which he depoſed upon the Tryal of Sir *Geo. Wakeman:* He ſaid then he did receive a Letter concerning the death of Sir *Edmundbury Godfrey*, which was dated the 12th of *October*, as I remember; and that he did communicate the Letter to Mr. *Sambidge* and me immediately the next *Tueſday:* Whereas I will aſſure you, *my Lords*, I never heard neither by Letter nor Word of mouth from him nor any other, till it was publickly known.

L. H. Steward. You did not live in my Lord *Aſton*'s houſe, did you?

Mr. *Philips.* No, *my Lords.*

Sir *Will. Jones.* We know not what he ſays; we deſire to underſtand what he means.

L. H. Steward. He takes notice that *Dugdale* at the Tryal of Sir *Geo. Wakeman* did depoſe touching a Letter dated the 12th of *October*, which ſhould come down to *Tixal*, intimating the death of Sir *Edmondbury Godfrey*, and that he did communicate that with the Parſon of *Tixal* and another; which Parſon comes now to ſay, He did communicate no ſuch a matter to him.

Sir *Will. Jones.* We deſire to ask him whether he was preſent at that Tryal, and heard him ſay ſo?

Mr. *Philips.* I was not preſent at the Tryal; but if the Narrative of the Tryal be truth, he did ſay ſo.

L. H. Steward. So then, you onely come to diſprove what is printed that *Dugdale* ſhould ſay.

Mr. *Philips.* Then I leave it to your Judgments, whether what he ſaid in the Narrative of that Tryal, do concur with the Truth.

L Stafford. I deſire then to ask him whether *Stephen Dugdale* did not run away from my Lord *Aſton*'s, and would have him go to my Lord to own him for his Servant.

L. H. Steward. What do you know of *Dugdale*'s running away?

Mr. *Philips.* I know nothing at all of that, *my Lords.*

L. Stafford. Whether he did ſpeak to him to own him for his Servant when he was in the Juſtices hands.

L. H. Steward. Can you ſay any thing touching the Credit of *Dugdale?*

Mr. *Philips.* I have nothing to ſay concerning *Dugdale*'s Credit.

L. H. Steward. Did you know him?

Mr. *Philips.* Yes, ever ſince I came to *Tixal.*

L. H. Steward. How long is that?

Mr. *Philips.* About fourteen years.

L. H. Steward. What Reputation had he in the Country? Was he looked upon as one that would perjure himſelf?

Mr. *Philips.* I never knew any thing of that.

L. H. Steward. Was he thought a ſtout man?

Mr. *Philips.* He was in good Repute with ſome, and indifferent with others.

L. H. Steward. Will you call any more Witneſſes, my Lord?

L. Stafford. I would onely ask him one Queſtion; Whether he did go to my Lord *Aſton* from *Dugdale* to know if he would own him for his Servant?

L. H. Steward. What ſay you, Sir, did you?

Mr.

Mr. Philips. Yes, *my Lords*, he knows very well I did; he did requeſt me to go to him. My Lord *Aſton* I was loth to go to, becauſe I had no familiarity with him, nor Intereſt in him; but he did requeſt and urge me ſo much, that I did go by much motives and perſwaſions from him, and I did ſpeak to my Lord; ſo I told him the Meſſage I had was from Mr. *Dugdale*, who would requeſt of my Lord that he would own him for his Servant; for if he did not, he knew not what to do with himſelf; but if he did, he might be free from the Goale and from the Oaths, and eſcape the Troubles that were upon him. So my Lord replyed to me, 'Tis his own act and deed, and I have nothing to do with him, and let the Juſtices do what they will with him; which were Sir *Walter Bagott*, and Mr. *Kinnerſley*.

Mr. Foley. We deſire to know whether he heard any diſcourſe about a Plot at that time or no.

Mr. Philips. Truly, *my Lords*, I heard a talk of a Plot, but not at that time.

Mr. Foley. My Lords, I deſire to know if he took Mr. *Dugdale* for a perſon that might be in the Plot, if there was any ſuch thing.

Mr. Philips. I cannot tell how to anſwer that, 'tis an hard Queſtion; I am not ſo intimately acquainted with perſons whoſe Secrets are not repoſed in me.

L. Stafford. The next Witneſs I deſire may be (with the leave of the Gentlemen of the Houſe of Commons) Sir *Walter Bagott*, I did deſire him to be here.

Sir *Will. Jones.* There he is, we do not oppoſe it.

L. H. Steward. Is it *your Lordſhips* pleaſure that Sir *Walter Bagott* be heard in his place?

Lords. Yes.

Sir *Walter Bagott.*

L. H. Stweward. What would you ask Sir *Walter*, my Lord?

L. Stafford. My Lords, I deſire to ask Sir *Walter Bagott*, whether he did not apprehend *Dugdale*, and upon what account it was?

L. H. Steward. Sir *Walter Bagott*, my Lord deſires to know of you, whether you did apprehend *Dugdale*, and upon what account?

Sir *Walter Bagott. My Lords*, Mr. *Dugdale* was taken at an unſeaſonable time of night, and brought to me the next morning by the Watch, as the other Witneſſes have told *your Lordſhips*. And I took him away to *Stafford*, where there were ſeveral other Juſtices of the Peace; there we offered him the Oaths of Allegiance and Supremacy, which he took. After the taking of theſe Oaths, we told him, that he was a likely man to know ſomething of the Plot, and it was a very proper time for him to diſcover it to us that were Juſtices: he at that time did deny the knowledge of it, that is all I can ſay.

L. Stafford. I deſire Sir *Walter Bagott* may be asked whether he did not go to my Lord *Aſton*, to ſee whether he would own *Dugdale* as his Servant.

L. H. Steward. Did you ask my Lord *Aſton* to own him for his Servant?

Sir *Walter Bagott.* Yes, I did: for my Lords Houſe being in the way to *Stafford*, whither I was going, I called upon him to know if Mr. *Dugdale* were his Servant: he told me he was no Servant of his, and he would not receive him: upon which I and another Juſtice of the Peace that was with me, took him to *Stafford*. The occaſion of our meeting there, was to Summon in the Militia, upon an Alarm of the Papiſts being riſen in *Derbyſhire*.

L. Stafford. I make this uſe of it, *my Lords*, that my Lord *Aſton* would not receive him: and if my Lord *Aſton* had known he had been in the Plot, and could have diſcovered him, he would not have diſobliged him.

L. H. Steward. Nay, he ſays more than that, which you don't hear; he ſays when they examined him, they gave him the Oaths of Allegiance and Supremacy, and then told him he would do well to diſcover his knowledge of the Plot; and then he did not own any thing he knew; nay, he denyed it.

Mr.

Mr. Foley. Did he deny the knowing of it?

Sir *Walter Bagott.* Yes, he did then.

Sir *Fran. Win.* He was not reſolved to diſcover at that time.

Mr. Serj. Maynard. We deſire Sir *Walter Bagott* may be asked whether he Examined him upon his Oath or no.

Sir *Walter Bagott.* No, I did not.

Mr. Serj. Maynard. But had they then juſt given him the Oaths of Allegiance and Supremacy?

Sir *Walter Bagott.* Yes, *my Lords,* we gave him thoſe Oaths, and thoſe only.

L. Stafford. Then Mr. *Kinnerſley,* if you pleaſe. (*Who ſtood up.*) Be pleaſed to ask this worthy Gentleman what he knows about *Dugdales* going from my Lord *Aſton.*

L. H. Steward. Firſt let us know this Gentleman.

L. Stafford. His Name is *Kinnerſley.*

Mr. Kinnerſley. What Queſtions would your Lordſhip ask me?

L. Stafford. What you know about *Dugdales* going from my Lord *Aſton.*

L. H. Steward. Mr. *Kinnerſley,* we muſt know your Chriſtian Name.

Mr. Kinnerſley. Thomas.

L. H. Steward. Do you know Mr. *Dugdale?*

Mr. Kinnerſley. My Lords, I was not acquainted with Mr. *Dugdale,* till Sir *Brian Broughton,* Sir *Walter Bagott,* and I and others gave him the Oaths of Allegiance and Supremacy, the latter end of *November,* or the beginning of *December;* I did not take notice exactly of the time.

L. H. Steward. What year?

Mr. Kinnerſley. (78.)

L. H. Steward. Well, Sir, go on.

Mr. Kinnerſley. When he had taken the Oaths of Allegiance and Supremacy, I asked him if he knew any Treaſon or Conſpiracy againſt the King, telling him it was a ſeaſonable time to declare it. He told me he knew of none. This is all I know, and all the diſcourſe that I remember we had with Mr. *Dugdale.*

Mr. Serj. Maynard. Pray why did you ask him that Queſtion?

Mr. Kinnerſley. The Plot was then newly broken out.

Mr. Serj. Maynard. Why did you ask him ſo particularly?

Mr. Treby. Why did you think Mr. *Dugdale* concerned in it?

Mr. Kinnerſley. Becauſe we heard he was a Papiſt, and my Lord *Aſton's* Servant.

L. Stafford. Then I deſire Sir *Thomas Whitgrave* may be examined. (*Who ſtood up.*)

L. H. Steward. What ſay you to Sir *Tho. Whitgrave,* my Lord?

L. Stafford. Will *your Lordſhips* pleaſe to ask Sir *Tho. Whitgrave,* whether he did not examine *Dugdale* about the Plot, and what he ſaid at that time?

Sir *Tho. Whitgrave. My Lords,* I came to *Stafford* the latter end of *November,* or the beginning of *December,* I am not certain which, but I think it was this time two years. The Deputy-Lieutenants met about the Militia of the County. They told me that Mr. *Dugdale* was in Town, and was under an Arreſt: the occaſion of his coming to Town, was his refuſal of the Oaths of Allegiance and Supremacy, which he had ſince taken. I propoſed to them the ſending for him, for I thought this was a fit opportunity to get ſomething of him about the Plot. They ſeemed to approve of what I ſaid; but withal, I told them it was not good to ſend for him till the Evening late, that the people of the Town might not take notice of his coming. At night we did ſend for him, and the Gentlemen deſired that I would examine him at the end of the Table: ſo I called him up, and told him, I was ſorry he was fallen into that misfortune to be Arreſted, and that Mr. Mayor had not dealt well with him

him or us to take that advantage of him: that now he had taken the Oaths, I looked upon him as one of us, and would do him any kindneſs I could. He ſaid, truly for his part, he was born a Proteſtant, and of Proteſtant Parents; and it was his misfortune to fall into the Houſes of Papiſts, but he never liked their Religion. I then told him, Sir, you may do your ſelf a kindneſs, ſerve God, and oblige your King and Countrey: I am very confident you know of this horrid Plot; pray do not ſtifle your Conſcience with any Oath of Secrecie, but let it come out. Many, I told him, ſtrained their Conſciences to ſerve their Intereſts, but you may clear your Conſcience, and at the ſame time promote your true Intereſt. He replyed, as he hoped to be ſaved he knew nothing of it. And this is as much as I know of the matter.

L. H. Steward. Do you ask him any Queſtion, Gentlemen?

Managers. No, my Lord.

L. Stafford. My Lords, I ſhall humbly move *your Lordſhips* now, that you will pleaſe to take notice, this fellow, *Dugdale*, hath endeavoured to perſwade people to Swear againſt me falſely, and offered them Money for it. In order to the proof of which, I deſire *your Lordſhips* would call *John Morrall, Samuel Holt*, and *William Robinſon.*

Then Robinſon *ſtood up.*

L. Stafford. This Man I never ſaw before in my life.

L. H. Steward. What is your Name?

Witneſs. Robinſon.

L. H. Steward. What is your Chriſtian Name?

Robinſon. William.

L. H. Steward. Where do you live?

Robinſon. In *Worceſterſhire* now.

L. H. Steward. With whom?

Robinſon. With my ſelf now.

L. H. Steward. Do you know *Dugdale?*

Sir *Fran. Win.* We deſire he may give you an Account what Profeſſion he is of.

Robinſon. An Upholſter.

Sir *Fran. Win.* How long he hath lived in *Worceſterſhire*, and in what place there?

Robinſon. I have lived half a year in *Worceſterſhire*, half a mile beyond *Worceſter.*

Sir *Fran. Win.* And whether he follows that Trade or Profeſſion now or no?

Robinſon. No, I do not follow it now.

Sir *Fran. Win.* What do you live upon, and how?

Robinſon. I live of my ſelf now.

L. H. Steward. How is that?

Robinſon. Of my own Money.

Mr. Hambden. We deſire to know whether this Man was a Servant to my Lady *Gerard* or no.

Robinſon. Never.

Mr. Hambden. Or to my Lord *Gerard* of *Gerards Bromley.*

Robinſon. Never, not an hired Servant, *my Lords.*

Mr. Foley. Were you a volunteer Servant, or what were you?

Mr. Treby. Did you work at any time there for my Lord or Lady *Gerard?*

Robinſon. No.

L. H. Steward. How came you to live there?

Robinſon. I went over from a Cocking out of *Cheſhire.*

L. H. Steward. How long were you there?

Robinſon. Three weeks or a Month.

L. H. Steward. What was your Employment there?

Robinſon. Nothing at all, I followed no Employment.

Mr. Treby. What kind of Servant were you then?

L. H. Steward. Come, do you know *Dugdale*?

Robinſon. Yes.

L. H. Steward. How long have you known him?

Robinſon. I have known him about five years.

L. H. Steward. What ſay you to him?

Robinſon. I ſay, I met Mr. *Dugdale* about Midſummer was twelve month, in *London*, about *Charing-croſs*, and he carried me to the *Harp* and *Ball*, and gave me Beer and Mum, and ſuch as the Houſe did afford, and treated me, and asked me what made me ſo dejected and caſt down. I told him I was not well, I was poorer than I uſed to be. He told me again, I ſhould not want any Money that he had; and if I would pleaſe to be ruled by him, and do what he would have me, he would furniſh me with Money. And he took his Handkerchief out of his pocket, and bid me, if I wanted, take Money there. I took none, but told him, I would not meddle nor make with any thing that night. Then he told me he could furniſh me with Money, and put me in a way to get Money, if I would come in as an Evidence againſt my Lord *Stafford*.

L. Stafford. Be pleaſed to ask him, for I never ſaw the Man before, nor heard of him till laſt week, what he ſhould ſay againſt me, and whether he knew me or not?

L. H Steward. Did he tell you what you ſhould ſay againſt my Lord *Stafford*?

Robinſon. Nothing at all, *my Lords*.

L. Stafford. Did he ſay any thing or nothing? Or did he ask whether he knew me or not?

L. H. Steward. Did you tell him you knew my Lord *Stafford*?

Robinſon. No, if it pleaſe you, I told him I did not know him.

L. H. Steward. And after you ſaid you did not know him, he offered you Money to Swear againſt him. Did he?

Robinſon. Yes, *my Lords*, he did ſo, to come in as an Evidence againſt him.

L. Stafford. Will *your Lordſhips* pleaſe to ask how much Money there was in the Handkerchief?

L. H. Steward. How much Money was in the Handkerchief?

Robinſon. I believe there might be eight, or nine, or ten pounds.

L. H. Steward. Did he offer you all the Money, or bid you take ſome?

Robinſon. He bid me take ſome.

L. H Steward. Did he make any Agreement with you for what you ſhould take?

Robinſon. No, not at all, *my Lords*.

Mr. Foley. Did he ſee *Dugdale* any more, or was there an end of it then?

Robinſon. No, I ſaw him no more.

L. H. Steward. Will you ask him any more Queſtions?

Sir *W. Jones.* We ſhall have occaſion to ſpeak of him (we deſire he would not go away) when our time comes.

(*Then another Witneſs ſtood up.*)

L. H. Steward. What is your Name?

Witneſs. John Morrall.

L. H. Steward. What are you?

Morrall. A Barber.

L. H. Steward. Where do you live?

Morrall. At *Ridgley*.

L. H. Steward. Where is that?

Morrall. In *Staffordſhire*, within ſix miles of *Stafford*.

L. H. Steward. What do you ask him?

L. Stafford. Whether *Dugdale* did not perſwade him to Swear againſt ſome of the Lords in the *Tower*?

L. H. Steward. Do you know *Dugdale*? *Morrall.*

Morral. Yes, *my Lords*, I have known him twelve or thirteen years.

L. H. Steward. What can you ſay againſt him?

Morrall. My Lords, this Mr. *Dugdale*, the ſixth of *Auguſt* laſt was twelvemonth, ſent for me to the White Horſe in *Ridgley*, and there when I came to him, he told me I knew as much of the Plot as he. I told him I was innocent of the thing; he ſwore God damn him, that I knew as much as he: Then I told him, if he knew no more than I did, he knew no more than my Lord Mayor's great Horſe did. Then he took me aſide; Come, ſays he, you are a poor man, and live poorly; I can put you in a way whereby you may live gallantly; I will give you 50 *l.* in hand, if ſo be you will do ſo and ſo, and 50 *l.* more when the thing is done.

L. H. Steward. What do you mean by ſo and ſo?

Morrall. To ſwear againſt Mr. *Howard*, Sir *James Symons*, and ſeveral other Gentlemen of the Country.

L. H. Steward. Did he offer you any money to ſwear againſt my Lord *Stafford*?

Morrall. No, I did not hear him mention any thing of him.

L. H. Steward. But he offered you money to ſwear againſt *Symons* and *Howard*?

Morrall. Yes, my Lord; and *Herbert Aſton* my Lord *Aſton*'s Kinſman.

L. H. Steward. What were you to ſwear?

Morrall. That they were at ſuch a Meeting at Mr. *Herbert Aſton*'s upon the Conſpiracy of the Plot.

L. H. Steward. Will you ask him any thing?

Managers. No, ſet him by.

Then another Witneſs ſtood up.

L. H. Steward. What is your Name?

Witneſs. Samuel Holt.

L. H. Steward. What Profeſſion are you?

L. Stafford. Pray, *my Lords*, ask him whether *Dugdale* would perſwade him to ſwear that which he knew not.

L. H. Steward. What Profeſſion are you of?

Holt. A Proteſtant of the Church of *England.*

L. H. Steward. What Trade?

Holt. A Blackſmith.

L. H. Steward. Where do you live?

Holt. At *Tixal.*

L. H. Steward. Are you my Lord *Aſton*'s Servant?

Holt. No, *my Lords.*

L. H. Steward. What ſay you?

Holt. My Lords, he ſent a man and a horſe for me to *Stafford* to the Star.---

L. H. Steward. Who did?

Holt. Mr. *Dugdale* did. And there I waited upon him a good while. At length he came and told me he muſt ſpeak with me privately; ſo he told me if I would ſwear that *Walter Moor* carried *Evers* away, he would give me 40 *l.* And he bid me not be afraid to ſwear for fear of my Lord *Aſton*; for he would hire me an Horſe and get me to *London*, and place me, that where I got one ſhilling, I ſhould get five.

L. H. Steward. Did you know *Evers*?

Holt. Yes, *my Lords*, I have ſeen him.

L. H. Steward. Do you know when he went away from *Tixal*?

Holt. No, *my Lords.*

L. H. Steward. What elſe can you ſay?

Holt. Nothing elſe.

L. H. Steward. Will you ask him any Queſtions, Gentlemen?

Managers. No.

L. Stafford.

L. Stafford. The next thing I go upon is, that *Stephen Dugdale* at the Tryal of the five Jeſuits, ſwore, That he acquainted *Sambidge* with the Letter about the death of Sir *Edmondbury Godfrey* the Munday or Tueſday after; which Mr. *Sambidge* denies. And in order to that, I call Mr. *Sambidge*; but if *your Lordſhips* pleaſe, I ſhall firſt prove that he ſwore it then. Where is Mr. *Lydcott*? (*who ſtood up.*) I deſire to ask him whether *Dugdale* did ſwear at the Tryal of the five Jeſuits, that he acquainted Mr. *Sambidge* with the Letter about the death of Sir *Edmondbury Godfrey.*

L. H. Steward. You fellow.

Witneſs. My Lord.

L. H. Steward. What is your Name?

Witneſs. John Lydcott.

L. H. Steward. How do you live?

Lydcott. I am a Fellow of *Kings Colledge* in *Cambridge.*

L. H. Steward. What do you come to ſay?

Lydcott. I don't know, *my Lords*; what my Lord will ask me.

Sir *Will. Jones. My Lords*, before you enter into the Examination of this man, we deſire to ask him a Queſtion or two.

Mr. Serj. *Maynard.* Whoſe Servant are you, or were you lately?

Lydcott. I am Fellow of *Kings Colledge.*

Mr. Serj. *Maynard.* But whom did you ſerve lately? Were you never Secretary to a Lord?

Lydcott. Yes, I was.

Mr. Serj. *Maynard.* To what Lord?

Lydcott. To my Lord *Caſtlemain*, Sir.

L. H. Steward. What Religion are you of?

Lydcott. Of the Church of *England*, and always was; nay, I can't ſay always, for I was bred up a Presbyterian: my Father was a Colonel under *Monk.*

L. Stafford. Mr. *Lydcott*, I ask whether you did not hear Mr. *Dugdale* ſwear at the Tryal of the five Jeſuits.

Mr. Serj. *Maynard.* I deſire one favour, *my Lords*; my Lord *Stafford* asks Queſtions to lead the Witneſs; pray let him ask his Queſtions more generally.

L. H. Steward. You ſay you are a Proteſtant.

Lydcott. Yes, *my Lords.*

L. H. Steward. When did you laſt receive the Sacrament?

Lydcott. When I was laſt at *Cambridge.* ----- No not ſo; for it is not above a year ago that I was there.

L. H. Steward. When then did you receive the Sacrament?

Lydcott. I do not exactly remember, *my Lords.*

L. H. Steward. My Lord, I would be glad to know what is the Queſtion your Lordſhip calls him for, that your Lordſhip may not ask the Queſtion, but by me?

L. Stafford. My Lords, I deſire to know (for my part I know not what his Anſwer will be) whether he did hear at the Tryal of the five Jeſuits, *Dugdale* ſwear he had communicated the news of Sir *Edmondbury Godfrey*'s death, which was on the Saturday, on the Tueſday after to any people, and to whom.

L. H. Steward. Were you at the Tryal of the five Jeſuits?

Lydcott. Yes, I was.

L. H. Steward. Did you hear *Dugdale* ſwear there, and give his Teſtimony?

Lydcott. Yes, I did.

L. H. Steward. Do you remember what *Dugdale* ſwore then?

Lydcott. Very well.

L. H. Steward. What was it?

Lydcott.

Lydcott. My Lords, Mr. *Dugdale* ſpoke of a Letter that came down to my Lord *Aſtons* on the Munday, and he imparted it on the Tueſday after, at an Alehouſe, to one Mr. *Sambidge* and Mr. *Philips*; this was alſo at Sir *George Wakemans* Tryal, which I took notice of more particularly, becauſe I had occaſion to take ſome Notes there.

L. H. Steward. What uſe do you make of this, my Lord?

L. *Stafford.* If that be allowed to be ſo, then I will call no more Witneſſes, otherwiſe I have more.

L. H. Steward. Call them all.

L. *Stafford.* Then call Mr. *Charles Gifford.*

Mr. Ser. Maynard. Pray *my Lords* give me leave to ask this young Scholar one Queſtion before he goes; By whoſe Commendation or means did you come into that Colledge?

Lydcott. By Election from *Eaton.*

Mr. Serj. Maynard. Who promoted you?

Lydcott. One Mr. *Doyley*, now Senior Fellow of Kings Colledge; it was his Election.

Sir Fran. Win. My Lords, I would ask him one Queſtion. He ſays he went to take Notes; by whoſe direction did he go to take Notes at Sir *George Wakeman's* Tryal?

Lydcott. It was for my own curioſity.

L. H. Steward. Friend, 'tis all one as if you were upon your Oath, and as penal to you: by whoſe direction did you go?

Lydcott. It was partly my own curioſity, and partly to ſee what Evidence was againſt my Lord; for my Lord *Caſtlemain* thought himſelf concerned as well as others, and therefore deſired me to go.

Sir Fran. Win. Now it is out.

Sir W. Jones. It was done like a Secretary.

L. H. Steward. Had you ever that curioſity before?

Lydcott. Yes, I'le aſſure *your Lordſhips*, I had a great curioſity to hear it.

L. H. Steward. Were you at any other Tryal?

Lydcott. Yes, at the five Jeſuits Tryal, and *Langhorns.*

Then another Witneſs ſtood up.

L. H. Steward. What is your Name?

Witneſs. Charles Gifford.

L. *Stafford.* Ask him whether he did not hear at the Tryal of the five Jeſuits, or Sir *George Wakeman*, *Dugdale* ſay, that he did communicate that Letter to ſome people, I name not who, the Tueſday after?

L. H. Steward. Were you at the Tryal of the Five Jeſuits?

Gifford. Yes, *my Lords.*

L. H. Steward. Did you take Notes?

Gifford. Yes, *my Lords*, I was Summoned there as an Evidence; I had occaſion of being there, both at the Five Jeſuits Tryal, and *Wakemans* and *Langhorns.*

L. H. Steward. You took Notes you ſay?

Gifford. Yes, I did.

L. H. Steward. What do you remember that Mr. *Dugdale* did then Swear?

Gifford. I remember at the Five Jeſuits Tryals, he did Swear he received a Letter ſent to *Evers*, which he intercepted, and it ſpoke of the Death of a Juſtice of Peace; and he returned Anſwer to *Evers* again, he would be hanged if it did not ſpoil the buſineſs. And he ſaid farther, he could not hold, but went to an Alehouſe, and there he did impart it: but then he did ſay there was one that could teſtifie and make out what he ſaid; upon which, he called Mr. *Chetwyn*, who Depoſed much to the ſame purpoſe. And then at Sir *George Wakemans* Tryal he did poſitively declare, that he ſpoke of it at an

Alehouſe to a Miniſter, Parſon *Philips*, and my Lord *Aſton*'s Kinſman.

L. H. Steward. What is his Name?

Gifford. Mr. *Sambidge.*

L. *Stafford.* Well, *my Lords*, I have no more to ſay to him; but I conceive by this 'tis plain, that *Dugdale* did then ſay, he had communicated it to Mr. *Philips* and Mr. *Sambidge.* I ſhall call Mr. *Sambidge* to give you an account.

Mr. Sambidge *ſtood up.*

L. *Stafford.* Be pleaſed to ask him whether he did hear Mr. *Dugdale* ſay on the Tueſday, that Sir *Edmondbury Godfrey* was Murdered the Saturday before.

L. H. Steward. You hear the Queſtion, anſwer it.

Mr. Sambidge. Who muſt I ſpeak to?

L. *Stafford.* He is very deaf and very old, *my Lords.*

Then the Black Rod was ſent to be near him, to put the Queſtion to him.

Black Rod. What would you have him asked, my Lord?

L. *Stafford.* Whether Mr. *Dugdale* did tell him on the Tueſday, that Sir *Edmondbury Godfrey* was Murdered the Saturday before.

Black Rod. Did Mr. *Dugdale* tell you of the Tueſday, that Sir *Edmondbury Godfrey* was Murdered the Saturday before?

Mr. Sambidge. No, *my Lords*, he never told me any ſuch thing, I take it upon my Salvation. I never heard it till Friday or Saturday he was found at *Bury-hill.*

L. *Stafford.* Ask him if he were with *Dugdale* at the Alehouſe the Tueſday before.

Mr. Sambidge. Dugdale never ſpoke any ſuch thing to me.

L. H. Steward. Were not you with him at the Alehouſe?

Mr. Sambidge. No.

L. H. Steward. Not on Munday?

Mr. Sambidge. No.

L. H Steward. Nor on Tueſday?

Mr. Sambidge. No.

L. H. Steward. Nor Wedneſday?

Mr. Sambidge. Not as I know of.

Sir W. Jones. We ſhall prove he was.

L. *Stafford.* Pray ask him what Reputation *Dugdale* hath in the Country?

Mr. Sambidge. Oh the wickedeſt Man that ever lived upon the face of the earth; I know great part of it my ſelf, and a hundred and a hundred of people will ſay as much.

L. H. Steward. What Religion are you of?

Mr. Sambidge. I was never a Papiſt in my life, nor ever a Phanatick.

L. H. Steward. What do you know of *Dugdale* in particular that is ill?

Mr. Sambidge. Yes, *my Lords*, I'le tell you, he was a very abuſive Man, eſpecially to the Clergy, and moſt eſpecially to Mr. *Philips*, with whom I boarded. My Lord *Aſton* that is dead, came and told me of it. Said I, You are miſ-informed; for this *Dugdale* is a Knave and a Rogue, and all the Countrey ring of him for his wickedneſs; upon which he cites me into *Litchfield* Court for defaming him, and he entertains all the Proctors, that I could not get one to put in my Anſwer: but before the day came he diſcharged the Court, and and never appeared; for we had that againſt him that he durſt not appear.

L. H. Steward. What particulars do you know?

Mr. Sambidge. He ſaid the Clergy of *England* was a lewd Clergy, and a pack of Rogues.

L. H. Steward. Gentlemen of the Houſe of Commons, will you ask him any Queſtions?

Managers. No.

L. H. Steward. Hath my Lord no more to ſay to him?

Lord

Lord *Stafford.* No, *my Lords.*

L. H. Steward. My Lord *Stafford,* go on; hath your Lordſhip done with *Dugdale,* or have you any more Witneſſes?

Lord *Stafford.* No, *my Lords,* I have a great deal more to ſay to him.

L. H. Steward. Go on then.

Lord *Stafford. My Lords,* I conceive by this, 'tis proved to *your Lordſhips,* that *Dugdale* did at that Tryal declare, he had acquainted Mr. *Sambidge* and Mr. *Philips* with the Letter about the death of Sir *Edmindbury Godfrey*, the Tueſday after he was Murdered. And I conceive I have proved to *your Lordſhips,* by their denying it, that he did not tell them ſo; and ſo he is forſworn in that. I ſhould now have humbly deſired *your Lordſhips,* that you will pleaſe to call *William Day:* but upon asking the Queſtion, I find he is not yet come to Town, and ſo I ſhall not trouble *your Lordſhips* with him, I deſire that *Thomas Sawyer* may be called again.

(*Who ſtood up.*)

Lord *Stafford.* Pray be pleaſed to ask him, whether he did not hear *Dugdale* wiſh he might be Damned, if he knew any thing of the Plot.

L. H. Steward. He ſaid that before.

Lord *Stafford.* Then I beg *your Lordſhips* pardon, I ſhall not call him again.

L. H. Steward. Go on, my Lord.

Lord *Stafford. My Lords,* there are a great many other Witneſſes which I could call; but it is to no purpoſe, and ſo I ſhall call no more as to *Dugdale.* I conceive upon the whole matter, his Reputation and Credit are gone, for he is Forſworn before the Juſtices of Peace, in that he ſaid there was no Plot, and wiſhed he might be damned if he knew of any Plot. I conceive 'tis alſo proved, that upon the Twentieth of *September,* when, he ſays, I did communicate with him about the Kings Death, he was only then with me upon his own deſire, and my Servants were by; there was nothing diſcourſed of, but about the Foot-Race. And likewiſe as to what he Swore in *Auguſt,* that I was at ſuch a Meeting at *Tixall,* he is Forſworn, for I was not there; and ſo I hope that Witneſs is laid aſide, no Creature will give any Credit to him, neither *your Lordſhips,* nor the Houſe of Commons.

L. H. Steward. Have you done with Mr. *Dugdale?*

Lord *Stafford.* Yes, *my Lords.*

L. H. Steward. Whom will you proceed againſt next?

Lord *Stafford.* Dr. *Oates.*

L. H. Steward. Call Dr. *Oates.*

Lord *Stafford.* Only give me leave to ſay one thing, *my Lords,* that you were pleaſed to ſay, I ſhould have Copies of the two Depoſitions of the Twenty fourth and Twenty ninth of *December.* And I had one to inquire, but can't find that of the Twenty ninth.

Then Dr. Oates *ſtood up.*

L. H. Steward. What ſay you to Dr. *Oates,* my Lord?

Lord *Stafford.* This Dr. *Oates,* if *your Lordſhips* pleaſe, I deſire may be asked when was the firſt time he ever ſaw me in his life.

L. H. Steward. When was the firſt time, Dr. *Oates,* you ſaw my Lord *Stafford?*

Dr. Oates. My Lords, the firſt time I ſaw this Gentleman at the Bar, was, as near as I remember, at Mr. *Fenwicks.*

L. H. Steward. That was in *Drury-Lane?*

Dr. Oates. Yes, *my Lords.*

L. H. Steward. When was that?

Dr. Oates. That was, as near as I remember, in *June.*

L. H. Steward. Was it that time the Commiſſion you ſpoke of was delivered?

Dr. Oates. Yes, *my Lords.*

L. H. Steward. Did you ſee that Commiſſion?

Dr.

Dr. *Oates.* Yes, *my Lords.*

L. H. Steward. Did you read it?

Dr. *Oates.* Yes, *my Lords.*

L. H. Steward. From whom was it?

Dr. *Oates.* I cannot be poſitive as to that; but as neer as I remember, it was ſigned as the reſt was ſigned.

L. H. Steward. How was that?

Dr. *Oates. Johannes Paulus Oliva.*

L. H. Steward. You read it?

Dr. *Oates.* Yes I did, *my Lords.*

L. H. Steward. It was a Commiſſion to be Pay-Maſter of the Army, was it not?

Dr. *Oates.* Yes, it was.

L. H. Steward. And it was delivered to my Lord?

Dr. *Oates.* Yes, it was.

L. H. Steward. By the name of Mr. *Howard* of *Effingham?*

Dr. *Oates.* Yes, *my Lords.*

L. H. Steward. What ſays your Lordſhip to this?

L. *Stafford.* What is it poſſible for me to ſay againſt this? I declare to *your Lordſhips* in the preſence of God, I never ſaw the man in my life; I never went by any name, ſince I had the honour of being a Peer, but by the name of *Stafford*; I never heard of Mr. *Fenwick* the Jeſuit, nor by the name *Thompſon*, 'till this Plot was diſcovered, and he taken. This you may believe, or not, if you pleaſe; but this is as true as I am alive. *My Lords*, I deſire I may have out of the Journals the Depoſition on which I was committed.

L. H. Steward. Turn to the Journal.

L. *Stafford.* It was read, as I remember, *Friday 25 Octob.* (78.)

Then the Clerk turned to the Journal, and read.

Die Veneris 25° die Octobris, 1678.

Clerk. THe Lord Viſcount *Stafford* acquainted the Houſe, That he was informed that there was a Warrant iſſued out from the Lord Chief Juſtice of *England* to apprehend him; which he thought fit to acquaint their Lordſhips with, and ſubmitted himſelf to their Lordſhips Judgment.

The Lord Chief Juſtice (being preſent) was commanded to give the Houſe an account of the buſineſs; who ſaid, That laſt night about nine of the clock he received a Letter from the Speaker of the Houſe of Commons, dated from the Speakers Chair, to come to the Houſe of Commons about buſineſs of great concernment. Accordingly he attended the Houſe of Commons; where the Speaker told him, That the Houſe of Commons had received Accuſations of High Treaſon againſt five Lords, and ſome Gentlemen, and deſired him to iſſue out his Warrants for their Apprehenſion. The Perſons were, the Earl of *Powis*, Viſcount *Stafford*, the Lord *Arundel* of *Wardour*, the Lord *Petres*, and the Lord *Bellaſis*. And upon this he iſſued out his Warrants for their Apprehenſion, having taken the Examination of *Titus Oates* upon Oath. That the Earl of *Powis* and the Lord *Arundel* were brought to him this morning in cuſtody, and he adviſed them to render themſelves to the Gatehouſe, where now they are.

Upon this the Examination of *Oates* was read; whereby it did appear, That the Lord Viſcount *Stafford* was charged to be in a Conſpiracy of Treaſon againſt the King.

The Lord Viſcount *Stafford* denied the Fact, and after this, withdrew. And after a while the Houſe was informed that his Lordſhip would render himſelf to the Lord Chief Juſtice. *L. H. Steward.*

Lord High Steward. This is all that is in the Journal.

Lord Stafford. Then *my Lords*, if your Lordſhips pleaſe to remember, all of you that were there, that I was Accuſed by Dr. *Oates*, whoſe Depoſitions I deſire to ſee, taken before my Lord Chief Juſtice, that he had ſeen Letters of mine written to *Fenwick*, *Harcourt*, and ſome others, three or four Jeſuits, in which I was conſenting to the Plot, that I had ſent my Son to *Lisbon*, yet I would be as kind to the Jeſuits as before, tho there was ſome difference between us. Theſe Affidavits I deſire to ſee, which as I take it were read before your Lordſhips that day.

Lord High Steward. The Affidavit was taken by my Lord Chief Juſtice in the Houſe of Commons, where he did attend them upon their Summons: I know not if the Original were read in the Houſe of Lords or the Copy, but it ſeems it is not entred into the Lords Journal, but your Lordſhip had an Order to take Copies of all things you would have demanded, and if you would not, I cannot tell what to ſay to it.

Lord Stafford. Truely I could not take a Copy, becauſe I did not know where it was. I deſire my Lord Chief Juſtice may be asked where it is, that is all I deſire, and I will then go on.

Lord High Steward. I think Dr. *Oates* does ſay at this time, that he had ſeen Letters of your Lordſhips, offering your Correſpondence and Aſſiſtance.

Lord Stafford. If Dr. *Oates* will own he ſaid no more than is in that Affidavit, I am content.

Lord High Steward. Have you any Copy of your own Examination, Dr. *Oates*?

Dr. *Oates.* Yes, *my Lords*, I think I have it here.

Lord High Steward. Marry, that is very well, produce it then. Do you Oppoſe it Gentlemen?

Managers. No, we agree, we deſire the truth may come out. Then Dr. *Oats* looking amongſt his Papers drew out one and offered it to the Court.

Lord High Steward. Is that a true Copy of your firſt Examination?

Dr. *Oates.* *My Lords*, I will not Swear it, but it was given me for a true Copy.

Lord High Steward. By whom was it given you?

Dr. *Oates.* I can't remember now, 'tis two years ago.

Sir *William Jones.* Unleſs we know whence it comes, or what Authority it hath, we cannot conſent it ſhould be read.

Lord High Steward. Had you it from my Lord Chief Juſtice, or any Servant of his?

Dr. *Oates.* I can't tell whether Sir *Charles Harbord* gave it me or no.

Sir *Fr. Win.* *My Lords*, Sir *Charles Harbord* might be of the Committee of Examinations, but the Examination for which my Lord asked, was not in the Committee nor before the Houſe. My Lord Chief Juſtice retired out of the Houſe *& Virtute Officii* took it. Now it was very fair in Mr. *Oates* to produce it, but yet in point of Evidence, if he will not ſwear it to be a true Copy, or give an account how he came by it, we cannot allow it to be read.

Lord High Steward. My Lord *Stafford*, 'Tis you that want this Paper, you deſire to have the benefit of the Examination that was taken of Mr. *Oates*, and therefore you muſt produce a Copy of it.

Lord Stafford. *My Lords*, I could never get it.

Lord High Steward. 'Tis not entred in our Journal, nor is it to be traced, we know not where it is. You have had time enough to look after it. You are now offered by *Oates* himſelf a Copy that was given him for a true Copy, though he can't Swear by whom. Are you content that ſhall be Read, if the Gentlemen will admit it?

Lord Stafford. By what I gueſs of Dr. *Oates*, I know him not he would not give in a Copy of an Examination unleſs it were true, if it be true I know not what ſhould hinder the reading of it; but as far as concerns me I deſire it may be read.

Lord High Steward. You do Conſent, and will you Gentlemen permit it?

Mr. Serjeant *Maynard.* We do not know whence it comes, we can't admit it unleſs *Oates* ſays 'tis true.

Sir *William Jones.* *My Lords*, it hath been long in the Doctors poſſeſſion, he hath read it over, he can't ſay 'tis a true Copy, but I deſire to ask him whether all in that writing be true? and whether he did Swear what is in that writing?

Lord High Steward. If your Lordſhips pleaſe thus, and you Gentlemen of the Houſe of Commons: The beſt way to have an Anſwer to this Queſtion is, that it may be read *de bene eſſe.*

Sir *Fran. Win.* Pray *my Lords*, let him read it over to himſelf privately, and then let us know whether he can Swear the ſame things that are in that Paper. (*which Dr.* Oates *began to do.*)

Dr. *Oates.* Your Lordſhips ask only as to my Lord *Stafford?*

Lord High Steward. My Lord deſires no more, but pray read it over all, and give your Anſwer to all; for that Queſtion, may be, will be asked in other Caſes, and 'tis fit you ſhould be provided for it. (*which he did.*)

Lord High Steward. What ſay you Doctor?

Dr. *Oates.* *My Lords*, I do verily believe I did Swear the Contents of that Paper.

Lord Stafford. *My Lords*, I do not oppoſe the reading of that Paper, but I have here a Copy of ſomething in the Journal, and do not ſtand upon my Memory; but I think upon the Viewing of it now, there is ſomething in the Copies of the Journal.

Clerks. We cannot find it.

Lord Stafford. Then read this Paper.

L. H. Stew. Will you have this Copy of the Examination read, or not?

Lord Stafford. Yes, *my Lords.*

Clerk. *The Examination of* Titus Oates *Clerk taken before us*——

Lord High Steward. When was that?

Clerk. The 24*th.* of *October* 1678.

L. H. Stew. That was read the 25*th.* the next day in the Houſe of Lords.

The Examination of Titus Oates *Clerk, taken by us this* 24th. *of* Octob. 1678.

THis Examinant ſaith, That in the Month of *May* laſt this Examinant ſaw a Patent under the Seal of the Father general of the Society of *Jeſus* at *Rome*, called *Johannes Paulus Oliva*, at the Chamber of Mr. *Langhorn*, wherein it was expreſſed, That by virtue of a Breve from the Pope he did Conſtitute the Lord *Arundel* of *Wardour* Lord High Chancellor of *England*, which Patent was ſent to the Lord *Arundel* of *Wardour* by a Meſſenger, who was the Son of Mr. *Langhorn*; And this Examinant ſaith, That he ſaw a Letter ſubſcribed by the Lord *Arundel* of *Wardour* as he believes, wherein the Lord *Arundel* did acknowledge the receipt of the ſaid Patent and accepted of the ſame, and promiſed to anſwer the expectation of the Society.

This Examinant ſaith, That in *June* laſt he ſaw the like Patent, wherein the Lord *Powis* was Conſtituted Lord Treaſurer of *England*, which Patent was carried by one *Parſons* Secretary to the Lord *Powis* from one *Saunders* Houſe in *Weldſtreet* to be delivered to the Lord *Powis*, and at the delivery of the Patent 300 *l.* was paid by *Parſons* to *Fenwick* and *Ireland* to carry on the Deſign of the Jeſuits, which was to raiſe a Rebellion in the three Kingdoms and to deſtroy the King.

In

In the Month of *July* this Examinant ſaw a Letter Subſcribed *Powis*, and directed to *Fenwick*, wherein his Lordſhip did acknowledge the receipt of the ſaid Patent, and did accept of the ſame, and ſaid he had 300 men and horſe ready for the Deſign, and that his Lordſhip would venture his life and fortune in the Affair.

In the Month of *Auguſt* laſt, this Examinant ſaw a Letter directed to Mr. *Langhorn* by the outſide, but within to the Society of the Jeſuits, wherein, Sir *William Godolphin* acknowledged he had received the like Patent to be Lord Privy Seal, and had accepted thereof, and in *July* 1677 this Examinant ſaw the ſame in the hands of the Archbiſhop of *Tuam*, at *Madrid* in *Spain*.

This Examinant ſaith, that in *July* laſt Mr. *Colman* acknowledged and confeſſed to *Fenwick* in this Examinants preſence, that he had received the like Patent to be Secretary of State, and that it was a good exchange.

This Examinant ſaith, that in *May*, *June*, *July*, and *Auguſt* laſt, this Examinant ſaw ſeveral Letters Signed *Stafford*, whereby it appeared that the Lord *Stafford* was in this Conſpiracy againſt his Majeſty, and that he had returned ſeveral Sums of mony to the Jeſuits to carry on the Deſign, the Letters were directed to *Fenwick* and *Ireland*, and in *Auguſt* laſt this Examinant ſaw another Letter directed to the ſame perſons Signed *Stafford*, wherein my Lord writ, that although he had ſent his Son to *Lisbon*, yet he would be nere the worſe friend to the Jeſuits, and this Examinant conceiveth the reaſon of that Letter was, becauſe there was then a difference between the *Engliſh* Colledge at *Lisborn* and the Jeſuits; in *July* laſt this Examinant ſaw in the hands of *Fenwick* a Commiſſion directed to the Lord *Bellaſis* from the perſon aforeſaid, to be Lord General of the Army to be raiſed in *England* againſt his Majeſty, and in *July* this Examinant ſaw a Letter from my Lord directed to *Fenwick*, wherein his Lordſhip acknowledged the receipt of the Commiſſion, and thanked the Society for the ſame, and that he accepted the ſame, and would do what in him lay to anſwer their expectations.

In *May* laſt this Examinant ſaw a Patent in the hands of Mr. *Langhorn* to make my Lord *Peters* Lieutenant-General of the Army, and in *June* laſt, this Examinant did hear my Lord *Peters* in the preſence of Mr. *Longworth* his Confeſſor acknowledge the receipt of the ſame, and that he accepted thereof, and his Confeſſor wiſhed him much joy thereof.

Lord Stafford. *My Lords*, If this be owned for truth that he ſwore, then I proceed upon the Evidence of that.

Lord High Steward. Without allowing it to be a true Copy, Dr. *Oates* at the Bar does Swear, what is ſaid there is true.

Lord Stafford. Then he ſays there, he ſaw Letters Signed by me to *Fenwick* and others, I do humbly deſire to know whether that be Evidence or no, that a man ſays he ſaw Letters, and does not ſay he knew them to be my hand, nor what the Letters were in particular, nothing that he did prove of it. I muſt appeal to your Lordſhips, to all *my Lords*, to my Lord High Steward, and the reſt that were of the Council at that time; whether Dr. *Oats* did not poſitively name ſome, and left me out at the Council Table? And whether Dr. *Oats* did not ſay there was no Lord concerned in the Plot, and whether ſome of *my Lords* did not ſay ſo, and told ſome other Lords of it from whom I had it? And in order to this deſire Sir *Philip Lloyd* may be examined, and if he did not know of my being in it, then he hath ſince forſworn himſelf.

Lord High Steward. My Lord, I know not where you are, nor what you are about, are you objecting againſt *Oates* upon any Evidence out of the Journal?

Lord

Lord Stafford. My Lords, I go upon this that hath been read.

Lord High Steward. Pray my Lord produce your Witneſſes that did hear him ſay any thing, and take your Advantage of it.

Lord Stafford. I call Sir *Philip Lloyd.*

Lord High Steward. Where is Sir *Philip Lloyd*?

Lord Stafford. My Lords, I do not know, I think he is here, I hope he will come.

Then he appeared amongſt the Members of the Houſe of Commons, and was called to the Bar amongſt the other Witneſſes, and ſtood up.

Lord High Steward. What does your Lordſhip ask Sir *Philip Lloyd*?

Lord Stafford. Whether he was not by when Dr. *Oates* was asked, If there were any Lords concerned in the Plot, and he ſaid, no; and whether he did not tell me ſo a day or two before I was committed in the Princes Lodgings.

Lord High Steward. What ſay you Sir *Philip Lloyd*, did you ever hear Dr. *Oates* deny upon his Oath, that ever he heard of any Lords that were concerned in the Plot?

Sir *Philip Lloyd. My Lords*, Truely I cannot remember any ſuch thing. If my Lord put me in mind of any particular Circumſtance or time, I may recollect it; I muſt confeſs I think I have heard ſuch a thing rumor'd, but I am ſo unfortunate I cannot remember any thing poſitively of it.

Lord Stafford. He did tell me ſo I am ſure.

Sir *Philip Lloyd.* Truely *my Lords*, I would be glad to remember any thing to juſtifie the Truth, but I can't remember this.

Lord Stafford. But whether it were ſo or no, your Lordſhips that were of the Council can tell.

Lord High Steward. My Lord, I do not know. Your Lordſhip cannot be refuſed if you preſs it, to ask any of the Lords of the Council, if they remember any ſuch thing that did paſs there; but if I were there or in the Council, I deal plainly with your Lordſhip, I cannot ſay that there was any ſuch thing ſaid.

Lord Stafford. If there be any here that were there beſides, I deſire they may be asked.

Lord High Steward. If your Lordſhip will call upon any other of *my Lords* that were there, they will tell you.

Lord Stafford. I do not know who were there, I can't call them.

Lord High Steward. You may ask any of the Lords of the Council who were there that time Dr. *Oates* was examined.

Lord Marqueſs of Worceſter. My Lords, I was not at the Council then, but I heard it, not there indeed, but as a general Report abroad.

Lord Stafford. I deſire my Lord Privy Seal may tell what he knows of it.

Lord Privy Seal. What is it your Lordſhip would know of me?

Lord Stafford. Whether *Oates* did not ſay, he had no more to Accuſe?

Lord Privy Seal. Where my Lord?

Lord Stafford. At the Council Table.

Lord Privy Seal. 'Tis a very hard thing for me to charge my Memory, with all the Queſtions at an Examination, We uſe to refer to the Examinations themſelves; I have ſeen ſome Examinations, I wiſh all were ſo, wherein the Queſtions are put down as well as the Anſwer, and I cannot charge my memory that he ſaid, he had no more to Accuſe.

Lord Stafford. I deſire then all the Lords of the Council that are here to ſay whether or no he was not asked this Queſtion particularly by my Lord Chancellor, (and I deſire particularly his Lordſhip would ſay, whether he can't remember it) Whether he had any thing to ſay againſt ſome

Lords

Lords, and he anſwered, they were to know of it, but God forbid he ſhould Accuſe them!

Lord High Steward. When ſhould that be?

Lord Stafford. *My Lords*, I can't ſay the day, for I was not in Town. But I deſire to ask, whether you did not ask him upon the firſt diſcovery of the Plot, whether he had any thing to ſay againſt ſome Lords?

Lord High Steward. Do you deſire to know whether I asked him this Queſtion, if he had any thing to ſay againſt ſome Lords?

Lord Stafford. I do not ſay poſitively your Lordſhip, but whether that Queſtion was not asked him?

Lord High Steward. Certainly I ſhould never ask any ſuch Queſtion of any man alive. I might ask in general of any Lord, but not of ſome.

Lord Stafford. Some or other Lords it was.

Lord High Steward. I don't remember it, and 'tis impoſſible for any man living to remember, what Queſtions he did ask two or three years ago upon an Examination.

Lord Stafford. I deſire I may have leave to ask the Earl of *Berkley* a Queſtion.

Lord High Steward. What is it you would ask him?

Lord Stafford. *My Lords*, I humbly ask his Lordſhip, whether he did not hear Dr. *Oates* ſay, after he had Accuſed ſome Perſons before the Council, that he had no more to Accuſe?

Earl of Berkley. *My Lords*, I had the Honour to be of the Privy-Council about the time of the Diſcovery of the Plot, but I do not remember that I heard Dr. *Oates* ſay any ſuch thing there.

Lord Stafford. Or, in the Houſe of Lords, for I may miſtake. And therefore I deſire my Lord of *Berkley* would declare what he heard Dr. *Oates* ſay before the Houſe of Lords.

Earl of Berkley. Yes, *my Lords*: in the Lords Houſe I will tell your Lordſhips what I remember. My Lord Chancellor, to the beſt of my remembrance, did ask Dr. *Oates* at the Bar of the Houſe, this Queſtion—— My Lords deſire to know if you can Accuſe any other Perſon or Perſons of what Quality ſoever, and you are incouraged by their Lordſhips to Accuſe them: His Anſwer was—— My Lords, I have no more to Accuſe in relation to *England*, but in relation to *Ireland*, I have.

Lord High Steward. That was after he had Accuſed your Lordſhip, my Lord *Stafford*.

Sir *William Jones.* We pray, *my Lords*, we may have the favour to ask that very Honourable Lord, at what time Dr. *Oates* ſaid this, for the ſatisfaction of thoſe that are preſent.

Earl of Berkley. *My Lords*, it was after Dr. *Oates* had Accuſed my Lord *Stafford*, but before he had Accuſed the Queen.

Lord Stafford. I beſeech you, *my Lords*, to mark it (and I am very glad of it) he ſaid he had no more to Accuſe in relation to *England*, and yet after that he Accuſed the Queen.

Lord High Steward. My Lord, then the beſt Account of it will be on the Journal, the Queſtion and Anſwer is entred there.

Die Jovis 31. die Octobr. 1678.

Poſt Meridiem.

Titus Oates being at the Bar, is directed to proceed in giving an Account of the Commiſſions given to ſeveral Lords, and other Perſons for Offices Civil and Military.

Upon which he proceeded in a particular Narrative thereof, with ſome Circumſtances tending to make out the truth thereof, and then was commanded to withdraw, but ſtay without.

Then upon Conſideration had hereof, the Lord Chancellor by directions of the Houſe cauſed him to be called in again, and told him, that the Lords expect not his entring into particular Circumſtances, but if there be particular Perſons concerned, of what Quality ſoever they be, the Houſe expected he ſhould name them, but he named none but thoſe he had mentioned in his Narrative, nor could name no other Perſon.

Lord Stafford. Then *my Lords*, he ſaid, He knew no Perſons more than he had diſcovered: and after, did he not Accuſe the Queen and ſeveral others? if he ſaid true, then he knew no body more, if not, he is Forſworn.

Sir *William Jones.* Pray prove he did Accuſe the Queen.

Lord Stafford. He did ſo in the Council, and he is clearly Perjured in that, and ſo not to be believed. And I ſay beſides, after that Dr. *Oates* had conſulted with himſelf and poſſibly with ſome others what his Narrative ſhould be, and what he ſhould Accuſe Perſons of, and did only Accuſe me of ſeeing ſome Letters Signed *Stafford*, and now he comes to give Evidence he knows more, of my having a Commiſſion: After this rate, it may be he may know a great deal more to morrow, when he hath invented it: And 'tis a great ſign he did not know of any more, if he did know of that; for I never had any Correſpondence with the Jeſuits, nor any buſineſs tranſacted with them theſe twenty four or twenty five years. Indeed at *Ghent* the *Engliſh* Jeſuits were deſired to do a little thing for me, and they refuſed it me: it was to ſend over a man that was to be a Witneſs in a Suit I had beyond Sea. And I never writ one Letter to a Jeſuit ſince, nor he to me that I know of, nor never had to do with them that I know of: I never heard of *Fenwicks* name nor *Harcourts* till I heard of the Plot, nor of *Johnſon* nor *Thompſon* Jeſuits: and if any can prove it, I will acknowledge my ſelf guilty of all that is ſaid againſt me. And for that Dr. *Oates* at firſt ſaid, He only ſaw Letters of mine, and after comes and Accuſes me of a Commiſſion, I appeal to your Lordſhips if there can be any truth or belief in him. I cannot ſay more than what I have ſaid already, and I do challenge Dr. *Oates* at the day of Judgment to ſay, if ever he ſaw me in his life till I was Committed, or if I did ever go by any Name, but that of *Stafford*, I will be content to dye immediately. If I had gone by the Name of *Howard* I need not be aſhamed of it, for 'tis a Name good enough to be owned. I know there is a worthy Gentleman that bears the Name of *Howard* of *Effingham*, but I never did. If your Lordſhips pleaſe to let me ask Mr. *Dugdale* one Queſtion.

Lord High Steward. Call *Dugdale* again, (who appeared.) What ſay you to him my Lord?

Lord Stafford. I deſire to ask *Dugdale*, whether he did not in his Depoſitions before Mr. *Lane* and Mr. *Vernon* Swear, that the 20th. of *October*, I offered him 500 *l.* to kill the King?

Mr. *Dugdale.* No, *September.*

Lord

Lord Stafford. Ay, *September*?

Mr. *Dugdale.* Yes, I think I did make that Depoſition before Captain *Lane.* I am certain I did that, my Lord *Stafford* the 20*th.* or 21*th.* of *September* offered me 500 *l.*

Lord Stafford. Then did not he ſay preſently upon this he went to Mr. *Evers* Chamber?

Lord High Steward. He ſays ſo now.

Mr. *Dugdale.* *My Lords*, I am not certain it was the ſame day, it was aſſoon as I could have opportunity, it was preſently after.

Lord Stafford. Did he not ſay he told *Evers* what I ſaid to him, and he did not underſtand the meaning of it?

Mr. *Dugdale.* I did ſay ſo to Mr. *Evers*, I did ask Mr. *Evers* what my Lord *Stafford's* meaning was, whether his intention was true or no to do as he ſaid, and whether my Lord was in that Condition, as to be able to perform his promiſe, for I feared payment of the mony, and he told me *Harcourt* and the reſt of the Jeſuits would furniſh it.

Lord High Steward. So he ſaid Yeſterday.

Lord Stafford. Then ask him if he did not ſay, the beginning of *September* I met him at *Tixal*, and I ſpake to him about ſuch a buſineſs.

Mr. *Dugdale.* *My Lords*, I did ſay to the beſt of my remembrance it was about that time, the latter end of *Auguſt* or the beginning of *September*, I would not be poſitive, nor could not to five days.

Lord Stafford. No I think not to 5000. Then I askt him this Queſtion whether he did not preſently upon that, when I told him about the Deſign go to Mr. *Evers*, and ask what it meant.

Lord High Steward. He ſaid ſo but now, he went to *Evers* and asked what you meant.

Lord Stafford. I beſeech you I may be underſtood, Whether he did not ſay in the beginning of *September*, which was before the 20*th.* or 21*th.* in the Journal.

Lord High Steward. Is it in the Journal?

Lord Stafford. Yes.

Lord High Steward. Why then, read it.

Die Sabbati 28° *Decembris* 1678.

The Earl of *Eſſex* acquainted the Houſe, that he had received an Information out of the Countrey of very great Concernment, which was read as followeth.

Stafford ſh. *December* 24th. 1678.

The Information of Stephen Dugdale *Gent. late ſervant to the Lord* Aſton *of* Tixal, *concerning the Plot againſt our Soveraign Lord the King, as followeth.*

1. THis Informant ſaith, that preſently after one *Howard* Almoner to the Queen went beyond the Seas, he was told by *George Hobſon* (Servant to the ſaid Lord *Aſton*) that there was a Deſign then intended for the Reformation of the Government to the *Romiſh* Religion,

2. He informeth that in the beginning of *September* 1678, he met in *Tixal*, nigh the Lord's Gates, the Lord *Stafford*, who ſaid to this Informant it was ſaid that they were troubled for that they could not ſay their Prayers but in a hid manner, but ſuddenly there would be a Reformation to the *Romiſh* Religion, and if there was but a good Succeſs they ſhould enjoy their Religion. And upon the 20*th.* day of *September* laſt, the ſaid Lord *Stafford* told

told this Informant that there was a Deſign in hand, and if this Informant would undertake the Deſign, he ſhould have a good Reward, and make himſelf famous.

3. Upon the aforeſaid day immediately after, this Informant went into the Chamber of Mr. *Francis Urie alias Evers* (a Jeſuit) in *Tixal-hall*, and asked him what the Lord *Stafford* meant by thoſe words, and after he had made him to Swear ſecreſie upon his knees, he told him he might be a perſon imployed in the work, and have a good Reward that would make him famous: and then he told him he muſt be Inſtrumental with others in taking away the Kings life; and that it ſhould be done by ſhooting or otherwiſe. And that this Informant need not to fear, for the Pope had Excommunicated the King, and that all that were Excommunicated by him were Hereticks, and they might kill them and be Canoniz'd for Saints in ſo doing.

4. The Informant ſaith, that the ſaid *Evers* and *Hobſon* both ſaid, that the Deſign was as well to kill the Duke of *Monmouth* as the King.

5. That *George North* (Nephew to *Pickering*, and Servant to the Lord *Aſton*) lately told this Informant that they had taken his Uncle (meaning *Pickering*) and put him into *Newgate*, and thought the King deſerved ſuch an execrable death as was intended him, becauſe of his whoring and debauchery.

6. That Mr. *Evers* ſaid Mr. *Bennyfield* had a packet of Letters delivered to him from the Poſt-houſe, which he feared the Lord Treaſurer had notice of, and therefore he delivered them to the Duke of *York*, and the Duke delivered them to the King, and that the King gave them to the Treaſurer, after he had read them, but that the King did not believe them, and therefore it was happy, or elſe the Plot had been diſcovered.

7. That he had received many Packets of Letters for *Evers*, ſome of which this Informant broke up, and found them to be, and tend to the Eſtabliſhing of the *Romiſh* Religion *&c.*

8. That he had received ſeveral Sums of mony himſelf, and knew of divers others that were imployed to put forth mony, which was and is for the Jeſuits uſe.

Stephen Dugdale.

Taken upon Oath the 24th. day of December, 1678. *before us*

Tho. Lane,
J. Vernon.

Lord Stafford. *My Lords*, I find by this here, that preſently after one *Howard* Almoner to the Queen went over, *George Hobſon* ſervant to my Lord *Aſton* told *Dugdale* there was a Deſign to Reform the Government *&c.* I beſeech your Lordſhips I may ask him, how long after he went over, this Diſcourſe was.

Mr. *Dugdale.* I do not ſay I knew *George Hobſon* before he came to be a Servant to my Lord *Aſton*, which was in the year (78.) but that this was only a Diſcourſe to me, that the Plot had been ſo long carrying on.

Lord Stafford. He ſays upon his Oath preſently after the Almoner went over, he told him ſo. Now the Almoner went over 3 years before that, when the Proclamation came out to Baniſh the Queens Servants for being Papiſts.

Mr. *Dugdale.* I heard it there, I never knew *George Hobſon* before he came

came to be Servant to my Lord *Aſton*, but I did not tell it as a Diſcourſe at that time, or that it was more than what I had from him, that there was ſuch a Deſign ſo long before.

Lord Stafford. He ſays preſently after the Almoner went over, in his Oath, which was I think in the year (72.) or (73.) or rather in the year (75.) about the end of the year (74.) as I remember, and he ſays preſently, three years after; is that preſently? En'e now the end of *Auguſt* was the beginning of *September*, and how long that was we can't tell, and now three years is preſently after.

Sir *William Jones.* He is telling of anothers Diſcourſe with him.

Lord High Steward. My Lord, you muſt obſerve that *Dugdale* ſays, that he did hear it from *Hobſon* after he came to my Lord *Aſton*'s Service.

Lord Stafford. But he ſays preſently after the Almoner went over, and 'tis impoſſible, for he did not ſay it till three years after, and ſo there is no truth in him.

Mr. *Dugdale.* *My Lords*, it was that *Hobſon* told me that preſently after the Almoner *Howard* went over, there was ſuch a Deſign carrying on.

Lord High Steward. You diſtinguiſh not, and therefore don't comprehend. 'Tis one thing if *Dugdale* had ſaid, that preſently after there was ſuch a Deſign, *Hobſon* told him ſo.

Lord Stafford. I beſeech you, it is ſaid, That preſently after the Almoner went over, *Hobſon* told him ſo.

Lord High Steward. But it is not that preſently after he heard the Diſcourſe, but *George Hobſon* told him, that preſently after the Almoner went over, there was ſuch a Deſign.

Lord Stafford. 'Tis ſaid he was told preſently after.

Then the Information was read again.

L. H. Stew. Do you know when *Howard* the Almoner went over?

Mr. *Dugdale.* No, *my Lords*, but by Report I heard when he went: But I do not make that part of my Oath, for I cannot abſolutely remember it.

Lord High Steward. My Lord, you muſt not make a Strain to make a Miſtake.

Lord Stafford. Gods Life, is three years a Strain?

Mr. *Dugdale.* I never did mean ſo, nor never did intend ſo, for I never knew him till he came to my Lord *Aſton*'s, but he told me then this Diſcourſe.

Lord High Steward. My Lord, this is only a Queſtion of Grammar, how it can be conſtrued.

Lord Stafford. *My Lords*, I beg your pardon: 'tis to my little Reaſon a Queſtion of Senſe, and it is plain to me it can have no other Senſe, but I ſubmit it to your Lordſhips, whether this be not the true Conſtruction.

Lord High Steward. Go on my Lord with your Evidence, notice will be taken of your Objection: you ſhall ſee what they ſay to it, if they do not give it an Anſwer, it will have its weight.

Sir *William Jones.* We will give that an Anſwer in due time.

Lord Stafford. Then next he ſays, I talked with him at my Lord *Aſton*'s the beginning of *September*, where he met with me at *Tixal* at the Gate. And I ſaid, it was ſad we could not ſay our Prayers, but in private. Truely *my Lords*, I cannot ſay, I did not ſay this to him; but if I did ſay it, I do not remember it, or that ever I thought ſo much; for I was ſo much of a contrary Opinion, that I thought thoſe of that Religion ſaid their Prayers too openly, and have chid them for it. And why ſhould I ſpeak it to him whom I did not know what Religion or what Profeſſion he might be of? And preſently after I ſpoke of theſe things, he ſays, he went to know what the Deſign was, and then Mr. *Evers* told him of the Plot, and yet yeſterday he ſaid he knew it ſixteen years ago. How can all this be true?

And beſides, it ſeems I could have no great power with him to perſuade him, for it ſeems he miſtruſted my ability to pay, and he had reaſon, for I ſhould hardly have parted with 500 *l.* in the Condition I was then in to any one, but I have no more to ſay to him now. There is a third Witneſs, one *Turbervill*, I deſire to ask him a Queſtion.

Lord High Steward. Call *Turbervill*, (*who ſtood up.*)

Lord Stafford. I deſire to know what time he came to Serve my Lady *Molineaux*, (for it is in the beginning of the Information in the Houſe of Commons, that he came in the year 73.) and how long he ſtaid with her?

Lord High Steward. My Lord *Stafford*, if your Lordſhip pleaſe, there was an offer made to you, that thoſe Affidavits ſhould be produced if you deſired to ſee them.

Lord Stafford. I think I ſhall have no occaſion as yet, it may be I may by and by: But I deſire to ask him this Queſtion firſt, whether he did not ſay he came in the year (73.) into my Lady *Mary Molineaux* her Service, and ſtaid with her about three years.

Lord High Steward. Did he Swear in the year (73.) he came?

Lord Stafford. 'Tis ſo in his Narrative in Print.

L. H. Stew. Do you own that Narrative in Print for true?

Mr. *Turbervill.* No *my Lords.*

Lord High Steward. How can you Challenge him then with a Narrative he does not own?

Lord Stafford. Then what can a man do if he muſt not go according to what is Printed?

Mr. *Turbervill.* There is a miſtake in the Printing of it, there is a miſtake of (73.) for (72.)

Lord Stafford. I now deſire that Affidavit may be produced.

Lord High Steward. Pray let him have the benefit that was offered him of the Affidavit.

Mr. *Turbervill.* Beſides, I declared I could not be poſitive to a year, I own any thing elſe in it.

Lord Stafford. Then *my Lords*, if I ſhall have fellows that will not Swear to Months nor to years, I beg of your Lordſhips to know whether theſe be Legal Witneſſes.

Managers. The Affidavit is in the Cuſtody of Sir *William Poulteney* a Member of our Houſe.

Sir *William Poulteney.* *My Lords*, I have the Affidavit, if you pleaſe I ſhall give you an account what I did upon it, and Sir *Thomas Stringer* another Juſtice of Peace. *My Lords*, after that Mr. *Turbervill* had given his Evidence to the Houſe of Commons *Viva voce*, he tendered to them this Information that I have in my hand. The Houſe of Commons after it had been read thought it might be convenient to have it Sworn to before two Juſtices of Peace. Whereupon, Sir *Thomas Stringer* and my ſelf withdrew into the Speakers Chamber, Mr. *Turbervill* came to us, we read over the Information to him again, and after we had read it over it was Signed and he Swore it. In this Information when we then took it he declared there, That he came to my Lord *Powis* in the year 1673, and came into *England* 1676. After we had Sworn him, we carried this Information into the Houſe again. The next morning, *my Lords*, he came to me, (I being one of the Juſtices that had Sworn him) and told me that ſearching among his Papers the laſt night for a Letter, which he had ſaid he had received from my Lord *Stafford* ſent to *Diep*, though he could not find the Letter he looked for, yet he found that the preciſe time that he went to live with my Lord *Powis* was 1672, and the preciſe time of his coming into *England* was 1675. And he deſired me to acquaint the Houſe of Commons with it, that this Circumſtance

cumſtance of time might be altered. Whereupon *my Lords*, I did acquaint the Houſe of Commons with it, how he was miſtaken in that point of a Circumſtance of time, and that he came of his own accord and deſired me to move the Houſe in it; I moved the Houſe, and they did direct we ſhould withdraw again, and take his Information again, and that he ſhould amend it, he amended it, and made the (73) (72) and the (76) (75) and then afterwards we Swore him to it again *de novo*, and this is the matter of Fact concerning the Affidavit.

Lord High Stew. Sir *William Poulteney*, Did Mr. *Turbervill* correct the miſtake himſelf firſt, or was it found and altered by others?

Sir *William Poulteney.* *My Lords*, he came to me, for I did not know any thing of it that he was miſtaken, but he came to me the next morning aſſoon as ever I came to the Houſe, before indeed I entred into the Houſe, and told me of the miſtake, and told me the reaſons how he came to recollect himſelf, and find out the miſtake.

Lord High Steward. Mr. *Turbervill* I would ask you the Queſtion, how came you to be informed that you had miſtaken your ſelf.

Mr. *Turbervill.* *My Lords*, I'le tell you, I was ſearching for a Letter which I received from my Lord *Stafford*, and miſſing that, I found my Diſcharge I had from the *French* Army, wherein I ſaw my miſtake as to the time, and that I have to produce.

Lord High Steward. I ask you again by the Oath you have taken, did you Correct it of your ſelf, or by information from any other?

Mr. *Turbervill.* By the Oath I have taken I did correct it of my ſelf, and no body moved it to me.

Mr. *Serjeant Maynard.* It was but a Circumſtance of time.

Sir *Fr. Win.* And corrected by himſelf the very next morning *my Lords.*

Lord Stafford. He does acknowledge he did forſwear himſelf once, and did make himſelf an honeſt man the next day, when he was a Perjured Villain the day before. And now he tells your Lordſhips that he was ſearching for a Letter that I ſent to him, but he cannot find it.

Mr. *Turbervill.* No *my Lords*, I thought I had it, but I cannot find it.

Lord Stafford. No I'e Swear thou canſt not. But then he does ſay that he had a Diſcharge from the *French* Army.

Mr. *Turbervill.* Yes 'tis here my Lord.

Lord High Steward. Is that the Paper of your Diſcharge?

Mr. *Turbervill.* Yes, it is. 'Tis worn out a little and torn, but the Seal is preſerved, I did not know that ever I ſhould have occaſion to make uſe of it, but my Lord challenging me for a Coward, and a Deſerter of my Colors——

Lord Stafford. I ſay ſo ſtill, for I have heard ſo.

Lord High Steward. Your Honour is not in Queſtion, Mr. *Turbervill.*

Mr. *Turbervill.* The Title is a little torn, and if your Lordſhips pleaſe I will read it (which he did being in *French*, and is rendred in *Engliſh* in theſe words.)

THis Certifieth to all to whom it ſhall appertain, that I have given an abſolute Diſcharge to the *Sieur Turbervill* a Cavalier of my Company after having ſerved the ſpace of ſix Months with all Honour and Fidelity. Therefore I deſire thoſe that are to be deſired, to treat him Civilly, and let him Paſs and Re-paſs without doing him any Injury or giving him any hindrance; But on the contrary to afford him all Aid and Aſſiſtance where it ſhall be neceſſary, Promiſing the like upon all occaſions that ſhall require it. In Confirmation of which I have for him Signed this preſent Diſcharge, and thereto put the Seal of my Arms to ſerve him in Caſe he ſhall need it. Made at the Camp before *Air* this *4th.* of *Auguſt.* 1676.

Sheldon.

Lord

Lord High Steward. What is the Date of that Diſcharge *Turbervill?*

Mr. *Turbervill.* 'Tis in *Auguſt* (76.)

Lord Stafford. May I ſee it *my Lords?*

Lord High Steward. Yes, deliver it to my Lord, (*which was done, and he looked upon it.*)

Lord Stafford. The thing looks like truth, but there is no proof of it.

Mr. *Turbervill.* The Seal is a little broke, but the Name remains perfect.

Lord Stafford. He ſays, here is a Diſmiſſion from the Army in (76.) how will that rectifie his miſtake about (73.) I underſtand not that.

Then the Court called for the Paper, and it was looked upon by the Duke of Monmouth *and ſome other Lords.*

Lord High Steward. My Lord, this Paper hath been looked upon, the Hand is well known by thoſe that ſhould know it.

Lord Stafford. I do not ſay the contrary.

Lord High Steward. Whereabouts are you now my Lord then?

Lord Stafford. I am extreamly faint and weary, that I am ſure of. This Gentleman told you yeſterday that he ſpoke with me ſeveral times in *France*, and that he was Converſant with me for a fortnight together, that he Viſited me, and I propoſed the Killing of the King to him, and that he refuſed to give me an Anſwer then, but told me he would give it me at *Diep*; This he ſaid yeſterday, as I remember: And afterwards when he was gone down, he came up again, and deſired to put your Lordſhips in mind of a particular Circumſtance which he ſaid he did remember, That when he came to me I had the Gout, and was in a lower Room of the Houſe, in ſuch a Street which faced *Luxenburgh* Houſe, all which I ſtand not upon: and that the Prince of *Conde* lived in the ſame Street, on the left hand he ſaid firſt, and after on the right hand, and after he knew not where, and that I did lodge in the ſame Street.

Mr. *Turbervill.* I did ſay I believed the Prince of *Conde* lived there, but I was not poſitive.

Lord Stafford. No, but firſt he Swears a thing, and then only believes it. Be pleaſed to call my Servants, to know if ever I had my Foot ill of the Gout in my life.

Mr. *Turbervill.* Your Lordſhip told me it was the Gout.

Lord Stafford. If ever I put my Foot on a Stool, or was lame there, I will own all that he ſays. But when a man Swears his Evidence and goes down from the place, and then invents and comes up again to tell new Stories, Who ſhall believe ſuch a man?

Mr. *Turbervill.* I never went from the Bar.

Lord Stafford. I do ſay, you went down and had given all your Evidence, and came up again and told this Circumſtance: I have not been lame not one moment theſe forty years, and yet this Fellow, this impudent Fellow, to ſay, that I was lame and put my Foot on a Stool. He does not, *my Lords*, Swear poſitively in any thing but this, and this I can eaſily diſprove in him.

L. H. Stew. What ſay you to this particular, *Turbervill*? Had my Lord *Stafford* never the Gout while he was in *France*?

Mr. *Turbervill.* He told me it was the Gout, *my Lords:* He had a great lameneſs, he could not go from one place to another: Here are ſeveral People to give Teſtimony, that my Lord was lame within leſs time than he ſays.

Mr. *Foley.* Hold, hold *Turbervill*, you muſt not give that Evidence now.

Lord Stafford. Call *Nicholas Furniſe* again.

Lord High Steward. What do you call him for?

Lord Stafford. Ask whether ever he ſaw Mr. *Turbervill* with me in *France?*

Lord

L. H. Steward. Were you with my Lord *Stafford* all the while he was in *France?*

Furneſe. Yes, my Lords.

L. H. Steward. Did you never ſee *Turbervile* there?

Furneſe. No.

L. H. Steward. Pray did you never ſee Father *Anthony Turbervile* there?

Furneſe. No, my Lords, I never heard of his Name.

L. Stafford. Was I ever one moment Lame while I was in *France?*

Furneſe. Not, that I remember.

L. H. Steward. How long was my Lord there?

Furneſe. About three Months.

L. H. Steward. What time of the year?

Furneſe. At *Paris* in *October* and *November*, in *December* at *Rohan*, in *January* we came over into *England.*

L. Stafford. Ask him if ever I put my foot upon a Cuſhion, or upon a Stool for Lameneſs.

L. H. Steward. Mr. *Turbervile*, did you ever ſee *Furneſe* when you were in *France?*

Mr. Turbervile. This Man my Lords.

L. H. Steward. Yes.

Mr. Turbervile. No, not that I remember.

L. H. Steward. In what Quality did you ſerve my Lord in *France*, *Furneſe?*

Furneſe. My Lords I waited on him in his Chamber.

L. H. Steward. Do you remember any other Servant of my Lords, that you did ſee there?

Mr. Turbervile. Truly, *my Lords*, I don't remember, I might forget him.

L. Stafford. So I believe thou doſt me too.

Mr. Turbervile. Your Lordſhip, that could call me Coward, may ſay any thing.

L. Stafford. You ſhall be as valiant as Hector, if you will. Pray call my other Boy.

(Who ſtood up.)

L. H. Steward. You little Boy, were you all the while with my Lord that he was in *France?*

Leigh. Yes, my Lords.

L. H. Steward. Did you ever ſee *Turbervile* there?

Leigh. No, my Lords, not that I know of.

L. H. Steward. Had my Lord the Gout in *France.?*

Leigh. No, nor never had ſince I have been with him.

L. H. Steward. That is ſix years.

Leigh. Seven years almoſt *my Lords.*

L. H. Steward. Are you ſure of that?

Leigh. I am ſure of it.

L. Stafford. Now *my Lords*, Mr. *Turbervile* ſays I writ him a Letter to *Diep*, which Letter he cann't find. I beſeech you what were the Contents of the Letter?

L. H. Steward. What were the Contents of the Letter my Lord ſent you?

Mr. Turbervile. The Contents of the Letter were that I ſhould not ſtay at *Diep* in expectation of him; for he had appointed a Yacht to come to *Calice*, but I ſhould make what haſt I could to *London*, and there I ſhould meet with him.

Lord *Stafford.* I deſire to ask whether I ſent him word that Count *Grammont* came over with me?

Mr. Turbervile. Yes, *my Lords*, to the beſt of my remembrance.

Lord *Stafford.* I ſhall now bring Witneſſes that I did not come by *Calice*, but by *Diep*, and Count *Gramont* came not with me.

L. H Steward. Mr. Turbervile, which way came you, from *Diep*, or from *Calice?*

Mr. Turbervile. From *Diep*, *my Lords.*

L. Stafford. And I came from *Diep* too.

L. H. Steward. My Lord came that way too, he ſays.

Mr. Turbervile. I know not of it, he ſent me word otherwiſe.

L. Stafford. I ſhall now prove what I ſay, pray call Mr. *Wyborne.*

(Who ſtood up.)

L. H. Steward. What do you ask him, my Lord?

L. Stafford. Whether he did not ſee me at *Diep*, and embark from thence for *England?*

Mr. Wyborne. My Lords, I will give you an Account as well as I can. In the year (75) in *December* I had occaſion to go over into *France* upon my own Concerns; and enquiring where there was a Conveniency to go over, I heard that a Yacht was ſending to *Diep* for my Lord *Stafford*, and Mr. *Henry Sidney* His Majeſties Envoy Extraordinary now in *Holland*, I took that occaſion, and we weighed Anchor on Friday the 24th of *December*; and it being foul weather, and we being toſſed long upon the Sea, we did not come to an Anchor before *Diep* till Sunday was ſevennight, at Two a Clock in the Afternoon, which was *January* 2d. Then I came with the Captain immediately aſhoar, to enquire for my Lord and Mr. *Sidney*, I enquired for my Lord, and they told me, he was at *Rohan*, expecting to hear of the arrival of the Yacht; upon which the Captain deſired me to write a Letter to my Lord, and I did ſo; upon ſight of which Letter he came to *Diep* on Tueſday in the Afternoon, which was, as I take it, the 4*th* of *January*, and we were at the *Baſtile* there then together, when he came that evening; and the next day I went on my own occaſions to *Paris*, and my Lord and Mr. *Sidney* did come over together in the Yacht.

L. Stafford. If you pleaſe I will call my two Servants again to this matter.

L. H. Steward. Call them, my Lord.

Then Furneſe *and* Leigh *ſtood up.*

L. H. Steward. Which way came my Lord *Stafford* out of *France* into *England*, by *Diep* or by *Calice?*

Furneſe. By *Diep.*

L. H. Steward. What ſay you Boy, which way came my Lord?

Leigh. By *Diep*, my Lords.

L. H. Steward. You came with him?

Leigh. Yes, we did.

L. H. Steward. My Lord, The queſtion is not whether you came by *Calice* or no, but whether you writ a Letter to him to *Diep* that you would go by *Calice.*

L. Stafford. He ſwore yeſterday that I did come by *Calice.*

L. H. Steward. Do you ſay my Lord came by *Calice?*

Mr. Turbervile. My Lords, I had a Letter from his Lordſhip, which he wrote to me, that he would come by *Calice.*

L. Stafford. He did not name the Letter yeſterday, nor is't in the Information.

L. H. Steward. Read the *Affidavit.*

The

The Information of Edward Turbervile *of* Skerr, *in the County of* Glamorgan, *Gent.*

WHo ſaith, That being a younger Brother about the Year 1672, he became Gentleman Uſher to the Lady *Mary Mullineux*, Daughter to the Earl of *Powis*, and by that means lived in the Houſe of the ſaid Earl about three Years, and by ſerving and aſſiſting at Maſs there, grew intimate with *William Morgan*, Confeſſor to the ſaid Earl and his Family, who was a Jeſuit, and Rector over all the Jeſuites in *North-Wales*, *Shropſhire*, and *Staffordſhire*: And he during the 3. Years time, often heard the ſaid *Morgan* tell the ſaid Earl and his Lady, that the Kingdom was in a high Fever, and that nothing but Blood-letting could reſtore it to Health, and then the *Catholick Religion* would flouriſh. Whereunto the ſaid Earl many times replied, It was not yet time, but he doubted not but ſuch means ſhould be uſed in due time, or words to that effect. And he heard the Lady *Powis* tell the ſaid *Morgan*, and others publickly and privately, That when Religion ſhould be reſtored in *England*, which ſhe doubted not but would be in a very ſhort time, ſhe would perſuade her Husband to give 300 *l. per annum*, for a Foundation to maintain a Nunnery; and this Informant was perſuaded by the Lady *Powis* and the ſaid *Morgan* to become a Friar, the ſaid Lady encouraging this Informant thereunto, by ſaying, that if he would follow his Studies, and make himſelf capable, ſhe queſtioned not but he might ſhortly be made a Biſhop by her intereſt in *England*, becauſe upon Reſtauration of the *Catholick Religion*, there would want People fit to make Biſhops, and to do the Buſineſs of the Church, and thereupon ſhe gave this Informant ten Pounds to carry him to *Doway*, where this Informant entred the Monaſtery, and continued about three Weeks; and with much difficulty made his eſcape thence, and returned for *England*; for which the ſaid Earl and his Lady, and all the reſt that encouraged him to go to the Monaſtery, became his utter Enemies, threatning to take away his Life, and to get his Brother to Diſinherit him, which laſt is compaſſed againſt him. And Father *Cudworth*, who was then Guardian of the Friars at *Doway*, ſome days before his eſcape thence, told this Informant, That if he ſhould not perſevere with them, he ſhould loſe his Life and Friends. And further added, That this King ſhould not laſt long, and that his Succeſſor ſhould be wholly for their purpoſe. And Father *Croſs*, Provincial of the Friars, told this Informant, that had he been at *Doway* when this Informant made his eſcape thence, he ſhould never have come to *England*: And this Informant finding himſelf Friendleſs, and in danger in *England*, went to *Paris*, where one of his Brothers is a Benedictine Monk, who perſuaded this Informant to return for *England*; and in order thereunto, about the latter end of *November* 1675, he was introduced into the acquaintance of the Lord *Stafford*, that he might go for *England* with his Lordſhip, and three Weeks he attended his Lordſhip, and had great acceſs and freedom with his Lordſhip, who gave him great aſſurances of his Favour and Intereſt to reſtore him to his Relations eſteem again. And ſaid, That he had a piece of ſervice to propoſe to this Informant, that would not only retrieve his Reputation with his own Relations, but alſo oblige both them and their Party to make him happy as long as he lived. And this Informant being deſirous to embrace ſo happy an Opportunity, was very inquiſitive after the means, but the ſaid Lord *Stafford* being ſomewhat difficult to repoſe ſo great a Truſt as he was to communicate to him, exacted all the Obligations and Promiſes of ſecreſie,

which

which this Informant gave his Lordſhip in the moſt ſolemn manner he could invent: Then his Lordſhip laboured to make this Informant ſenſible of all the advantages that would accrue to this Informant, and the *Catholick Cauſe*, and then told this Informant in direct terms, that he might make himſelf and the Nation happy, by taking away the Life of the King of *England*, who was a Heretick, and conſequently a Rebel againſt God Almighty. Of which this Informant deſired his Lordſhip to give him time to conſider, and told his Lordſhip that he would give him his anſwer at *Diep*, where his Lordſhip intended to ſhip for *England*, and to take this Informant with him; but this Informant going before to *Diep*, the Lord *Stafford* went with Count *Gramont* by *Calice*, and ſent this Informant orders to go for *England*, and to attend his Lordſhip at *London*, but this Informant did not attend his *Lordſhip* at *London*, but went into the *French* ſervice, and ſo avoided the Lord *Stafford's* further importunities in that Affair. And this Informant further ſaith, That one *Remige*, a *French* woman, and vehement Papiſt, who married this Informants Brother, lived with the Lady *Powis* all the time this Informant reſided there, and ſome Years ſince, and was the great Confident of the ſaid Lady; and the ſaid *Remige* was for the moſt part taken with her Ladyſhip into *Morgan's* Chamber when the Conſults were held there, where he hath often ſeen Father *Gavan*, Father *Towers*, Father *Evans*, Father *Sylliard*, *Roberts*, *White*, *Owens*, *Barry*, and the Earl of *Caſtlemain*, and other Prieſts and Jeſuits, meet and ſhut themſelves up in the ſaid *Morgan's* Chamber, ſometimes for an Hour, ſometimes for two Hours, more or leſs; and at the breaking up of the ſaid Conſults, have broke out into an extaſie of Joy, ſaying, They hoped ere long the *Catholick Religion* would be eſtabliſhed in *England*, and that they did not doubt to bring about their Deſign notwithſtanding they had met with one great Diſappointment, which was the Peace ſtruck up with *Holland*; ſaying, that if the Army at *Blackheath* had been ſent into *Holland* to aſſiſt the *French* King, when he was with his Army near *Amſterdam*, *Holland* had certainly been Conquered, and then the *French* King would have been able to aſſiſt us with an Army to eſtabliſh Religion in *England*, Which expreſſions, with many others, importing their confidence to ſet up the *Romiſh Religion*, they frequently communicated to this Informant. And the ſaid *Morgan* went ſeveral times into *Ireland*, to *London*, and ſeveral other parts of *England*, as this Informant hath juſt cauſe to believe, to give, and take meaſures for carrying on the Deſign, and the ſaid *Remige* and her Husband having firſt clandeſtinely ſold their Eſtate and fled into *France* about *May* or *June* laſt, for fear of diſcovery. This Informant by many Circumſtances, being aſſured that the ſaid Mrs. *Remige* was privy to all or moſt of the Tranſactions of the Plot. And he ſaith, that about *May* laſt was two Years, he was preſent at Maſs with the Lord *Powis* in *Vereſtreet*, when the Earl of *Caſtlemain* did ſay Maſs in his Prieſtly Habit, after the Rites and Ceremonies of the Church of *Rome*.

EDWARD TURBERVILE.

Sworn the 9th day of *November* 1680, before

Thomas Stringer.
William Pulteney.
Edmund Warcupp.

L. H. Steward.

L. H. Steward. My Lord, this *Affidavit* is to the purpoſe to which you call for it; this does ſay that your Lordſhip did go by the way of *Calice*, it does abſolutely ſo.

L. Stafford. Now whether he be forſworn or no, *your Lordſhips* may judge by theſe three Witneſſes.

Mr. Turbervill. My Lords, that which I grounded my belief of his going to *Calice* upon, and ſo conſequently that *Affidavit* was the Letter which I received from my Lord, which I have looked for, but cannot find.

L. H. Steward. This *Affidavit* does not ſay you went from *Calice* to *England*, but you went with Count *Gramont* to *Calice*.

L. Stafford. I conceive, *my Lords*, this *Affidavit*, and his Narrative are word for word the ſame, only that Amendment of (72) for (73) upon which I obſerved before, he was forſworn once. I cannot tell what to ſay if this Man can be believed. And Count *Gramont* came by *Diep* too; but beſides, *my Lords*, in this *Affidavit* he does not ſay he believed ſo by the Letter, tho' now he ſpeaks of one.

L. H. Steward. My Lord *Stafford*, was Count *Gramont* in your Lordſhips company when you came to *Diep?*

L. Stafford. No, *my Lords*, he was in *England* before me a Month, but *my Lords*, I cannot deny, but I had one recommended to come over with me, that pretended himſelf to be a *French* Count, but the Man was as errant a Raſcal as this that Swears againſt me, and that was one that called himſelf Count *de Brienne*, whom all the World knows to be a Cheat.

L. H. Steward. Call your other Witneſſes, my Lord.

L. Stafford. Where is *John Minhead?*

(Who ſtood up.)

L. H. Steward. Who do you belong to?

Minhead. My Lord *Powis.*

L. Stafford. My Lords, Mr. *Turbervill* he ſays by the perſwaſion of my Lady *Powis*, went to *Doway*, and he ſtaid in the Monaſtry three weeks, and not liking that Life, he came away (this may be true, I ſay nothing to it) But that which I take Exception at, is this, He ſays, for this the Earl of *Powis* and his Lady, when he came back from *Doway*, were very angry with him, and ſo were all his Relations, and he ſtood in fear of his Life from them. Surely when Mr. *Turbervill* knew he was in ſuch danger, he would not have come near them. Pray ask this Gentleman whether he was at my Lord *Powis*'s, and how he was entertained.

L. H. Steward. Do you know *Turbervill?*

Minhead. Yes, *my Lords.*

L. H. Steward. Have you ſeen him at my Lord *Powis*'s?

Minhead. Yes, *my Lords.*

L. H. Steward. How was he received there?

Minhead. Very well, *my Lords.*

L. H. Steward. When was that?

Minhead. In the year (75.)

L. H. Steward. Was that before or after he came back to *England?*

Minhead. It was after he came from *Doway.*

L. H. Steward. What Country man are you?

Minhead. A *French* man.

L. H. Steward. What Religion are you of?

Minhead. A *Roman Catholick.*

L. Stafford. Pray ask him whether he lay in my Lords houſe.

Minhead. Yes, *my Lords*, he lay with me in my Lodgings.

L. Stafford. And yet he ſays he was afraid of his Life.

L. H. Steward. Did my Lord know he lay there?

Minhead. Yes, he muſt needs, becauſe he came through the Room to go to Bed.

L. Stafford. May it pleaſe your Lordſhips, he ſays he was threatned that he ſhould have his Brother diſhinherit him, and which afterwards was compaſſed. Now I ſhall ſhew that this is impoſſible, for he had no Inheritance to looſe, nor was to have none; for his Brother, who is elder than he, this Man being by a ſecond Venter, hath Children, as I ſhall make appear by another of his Brothers, who is here. And this not being ſetled upon him who was by the ſecond Venter, could not come to him, but for want of Iſſue of that Brother, muſt go to the Uncle. So he ſwears he was diſinherited of an Eſtate when he was to have no Eſtate, nor could have. Call Mr. *John Turbervill* (*Who appeared.*) My Lords, I deſire you to ask him whether he knew that upon his coming back to *England*, he was ill uſed?

Mr. J. Turbervill. I never knew any unkindneſs from my elder Brother to him.

L. H. Steward. Are you his Brother?

Mr. J. Turbervill. Yes, *my Lords*, by the Father, not by the Mother.

L. H. Steward. Well, what can you ſay?

Mr. J. Turbervill. I never heard any thing when he returned from *Doway*, that he was ill received by my Lord *Powis*, but in a few days after my Brother and Siſter came to Town, we went to *Blomesbury*, and there we met together; and my Brother complaining that he was unfortunate in that he had undertaken what he could not perform in going beyond Sea, and now wanted a Livelihood; my eldeſt Brother told him he had done as far as his Ability was, he could do no more, it was his own Choice, and he had no more to ſay.

L. Stafford. Had he any Money from his Relations?

Mr. J. Turbervill. He made interceſſion by Friends to my Siſter, and ſhe told me that ſhe gave him 7 *l.* to bear his Charges to *Paris*, with that Proviſo that he would never trouble them more.

L. H. Steward. But were they not angry with him?

Mr. J. Turbervill. Here he is, he cannot ſay they ever gave him an angry word in their days, I'm ſure I never did.

L. H. Steward. Did you not forbid him the Houſe?

Mr. J. Turbervill. No.

Mr. Edw. Turbervill. Theſe are people that take not the Oaths of Allegiance and Supremacy and therefore are not fit to be Witneſſes.

L. Stafford. Now your Lordſhips ſee what a Villain he is.

Mr. Serj. *Maynard.* You muſt give good words, my Lord, for none but good words are given you.

L. Stafford. I muſt call them Villains, or my ſelf Traitor.

L. H. Steward. You ſay they gave him 7 *l.* upon condition they ſhould never ſee him more.

Mr. *J. Turbervill.* I did not ſay, my Siſter ſaid upon condition ſhe would give him 7 *l.* he would never trouble us more, it was his Declaration.

L. *Stafford.* One thing I would ask Mr. *Turbervill* more, and that is about this man's being Diſinherited: Whether he could, or whether he was Heir to any Eſtate or not?

L. H. Steward. What ſay you to it?

Mr. *J. Turbervill.* By all the Information of our Relations, the Eſtate was made by my Grand-father to my Father for Life, and after my Father's

ther's life to my Mothers, and after my Mother's life to my Eldeſt Brother, and the Heirs Males of his Body; and for want of ſuch, afterwards to me, and the Heirs Males of my Body; and in caſe I had none, then to my Father's Brother, and his Heirs Males: And if he had no Heirs Males, then after that to the right Heirs of the Grand-father. This was before my time.

L. H. Steward. Well then, that Remainder to the right Heirs, might come to him; and ſo there was ſome Eſtate for him to loſe, and that Remainder might be docked by the Tenant in Tail. I would ask, Was there any Recovery ſuffered to bar that Intail?

Mr. *J. Turbervill.* Yes, I think there was one upon my Brother's Marriage.

L. H Steward. Mr. *Turbervill*, Were you told you ſhould be diſinherited?

Mr. *E. Turbervill.* Yes, *my Lords.*

L. H. Steward. Who told you ſo?

Mr. *E. Turbervill.* My eldeſt Brother.

L. *H. Steward.* What did he tell you?

Mr. *E. Turbervill.* He told me it ſhould not come to me.

L. *H. Steward.* How ſhould it come to you?

Mr. *E. Turbervill.* I am not ſo good a Lawyer as to tell that, whether it could or no, but I thought by Succeſſion.

L. Stafford. Then he ſays he came to ſerve my Lady *Mullineux* in (72,) it may be it is ſo as he ſays, I don't know it of my own knowledg; but I pray he may anſwer, whether it was in (71,) or (72.)

Mr. *J. Turbervill.* In *January*, or *February* (71.)

Mr. *Treby.* That is the beginning of the Year (72,) according to the *Almanack.*

L Stafford. My Lords, for the preſent I do not remember any thing more.—— Oh, yes, *my Lords*, he ſays he was at ſuch a time at my Lord *Powis's*, when my Lord *Caſtlemain* was at *Powis* Caſtle, which muſt be either in the Year (72,) (73,) or (74,) Now I deſire you would ask Mr. *Lydcot* whether my Lord *Caſtlemain* was there, or could be there in any of thoſe Years.

(*Then* Lydcot *ſtood up.*)

L. H. Steward. What do you ask him, *my Lord?*

L. Stafford. I deſire to ask him, whether in the Year (72,) (73,) or (74,) which are the Years *Turbervill* ſays he was at my Lord *Powis's* at *Powis* Caſtle, whether my Lord *Caſtlemain* was at *Powis* Caſtle, or could be there at that time.

L. H. Steward. Was my Lord *Caſtlemain* there in any of thoſe Years?

Lydcot. My Lords, I can prove he was not, as much as I am capable of proving a Negative. I was with him in the Years (72,) (73,) and (74.)

L. H. Steward. Where?

Lydcot. He was in *England* in (73,) I was with him all the while; and I am ſure ſince I knew him he was never in *Wales*, and I was never abſent from him ſince I knew him (which is 9 Years) not 4 Months in all. I have Travelled with him, and been Abroad with him.

L. H. Steward. Turbervill, When do you ſay my Lord *Caſtlemain* was at *Powis* Caſtle?

Mr. *Turbervill.* I think it was in the Year (73.)

L. H. Steward. By what token do you remember him there?

Mr. *Turbervill.* He was arguing with my Lord *Powis* about Religion, and ſeveral times he did ſo; I believe it was in the Year (73.)

L. H. Steward. What ſay you to that?

Lydcot. I can aſſure *your Lordſhips* he was not there then, I was always with him that Year; he had many times a deſign to go there, but he could not but put it off, and the laſt time he was there, I can prove it was 15 Years ago.

L. H. Steward.

L. H. Steward. I desire to know of you this, Friend, Can you take it upon you to affirm upon the Faith of a Christian, that you were never from my Lord *Castlemain* all the Year (73)?

Lydcot. I can give an account to half a Week where he was. And when I was absent from him, it was beyond Sea, and all that while I kept Corespondence with him every Post, and received Letters from him constantly once a Week dated from *Liege*: This was in the time of my absence.

L. H. Steward. Were you at *Liege* when my Lord was in *England*, or were you with him all the time he was in *England*?

Lydcot. My Lords, I was with him all the time he was in *England*, and was never absent from him all that compass of time, but when he sent me into *England* from *Liege*.

L. H. Steward. Then he was at *Liege* himself?

Lydcot. Yes, *my Lords*.

L. H. Steward. Was that in the Year (73)?

Lydcot. Yes, *my Lords*, I was then in *England*. But, *my Lords*, I can give you an whole account, for my Lord and I never made any Journeys, but I put them down.

L. H. Steward. You say you can give a particular account of the whole Year (73,) even to the compass of 4 Days in that Year at most.

Lydcot. No, *my Lords*, I do not say so, but I say I can give an account of the whole time I have been with him within 4 Months.

L. H. Steward. Were any of those 4 Months within the Year (73)?

Lydcot. No: I was with him all the Year (73.)

L. H. Steward. Will you take it upon you to say, That every Day in (73,) you were with my Lord?

Lydcot. Every Day, *my Lords*.

L. H. Steward. Every Week?

Lydcot. Yes, I do not think but that I was. My Lord did me the honour to make me as it were his Companion.

Mr. Serj. *Maynard.* No, you do your self the honour to make your self his Companion, he made you his Servant.

L. H. Steward. Come, where are your Notes you pretend to speak by? Your Diary, or your Journal? Let us hear a whole account of the Year (73,) for you come to testifie as if you could give an account of every Day.

Lydcot. I did not think any Question of this Nature would come on the Stage, there is my Lord's Steward can give a very good account of this by his Account Books, which are all ready to be produced; he can tell where my Lord was, by laying out such and such Moneys. And 'tis an hard thing to give a Testimony after so many Years, of a thing that we thought not would ever be a Question.

L. H. Steward. Let us see your Notes.

Lydcot. My Lords, I will read it to *your Lordships*.

L. H. Steward. When was this written?

Lydcot. I took this out of another Book.

L. H. Steward. When?

Lydcot. Lately, since Mr. *Turbervill*'s Narrative came out.

Sir *Will. Jones.* Oh, I desire that may be observed.

L. Stafford. If *your Lordships* please, I desire that he may bring his Books, Oh, oh, will not Condemn me, but Law and Justice. I am not to be run down with Oh, oh, or what such impudent Villains as these say.

L. H. Steward. Read what you have there.

Lydcot. From *Liege* we set forth to *Paris*, *January* 1. (72.) where we staid 3 Weeks, and arrived thence at *London*, *January* 24th, there we stai'd till *May* (73.) and from thence we went to *Liege* again in *June*, and from

Liege

Liege again in *June*, and from *Liege* we ſet forth to *London* in *Auguſt*, and returned *October* the 3d, (73.)

L. H. Steward. Were you all the while between *Auguſt* and *October* in *London?*

Lydcot. I am morally certain, that I did not go from my Lord all that time.

L. H. Steward. Where were you after *October?*

Lydcot. Which *October*, If *your Lordſhip* pleaſe?

L. H. Steward. October, (73.)

Lydcot. At *Liege*, for we returned to *Liege* at *October* the 3d, and then after this my Lord ſent me into *England.* I left him at *Liege*, and from thence I ſet out for *England*, and in *January* I returned to *Liege*, which was the greateſt part of time that I was ever abſent from him.

L. H. Steward. And was he at *Liege*, are you ſure, all that time from *October* to *January?*

Lydcot. Yes, except he fled: For I ſent Letters by the Foreign Poſt, and received Letters by the Foreign Poſt every Week. And his Account Books will ſpeak it.

Sir *Will. Jones.* My Lords, We deſire to ask him one Queſtion (ſince he can give ſo exact an account) Whether my Lord *Caſtlemain* was in *England* (72,) and how much of that Year?

Lydcot. Yes.

Sir *Will. Jones.* How many Months of the Year (72) was he in *England?*

Lydcot. I read it before. We arrived from *Liege* to *London*, *January* 24th. (72.) and ſtaid at *London* till *May* (73.)

L. H. Steward. But where was my Lord all the Year (72)?

Lydcot. Pray, *my Lords*, do you mean New Stile, or Old Stile?

L. H. Steward. When I ſpeak of his being at *London*, I mean the Stile of the Country.

Sir *Will. Jones.* Then under favour, he ſpeaks of the latter part of the Year: I deſire to know, whether my Lord for all the former part of the Year was in *England.*

L. H. Steward Where was my Lord in *December* (72,) and in *November* before that, and in all the Year up backwards?

Lydcot. My Lords, I have told you the whole Year.

L. H. Steward. But where was my Lord from *January* (71,) to *January* (72)?

Lydcot. In (71) *June* 19th New Stile, we came to *London*, and returned in *September* to *Liege*; from *Liege* we ſet forth to *Paris January* 1. (72.) and arrived at *London January* 24th.

L. H. Steward. He runs paſt the time.

Sir *Will. Jones.* My Lords, We ask him a plain Queſtion, but he does not anſwer it; he ſlips over the time that we deſire *your Lordſhips* to ask him about.

L. Stafford. I beſeech *your Lordſhips* that it may be made plain, that there may nothing be ſaid afterwards that it was not plain.

Lydcot. Sir, Do you propoſe any thing to me, and I will anſwer it.

Sir. *Will. Jones.* Anſwer not us, anſwer *my Lords.*

Lydcot. I deſire any Body may peruſe my Notes, if they pleaſe.

L. H. Steward. Pray, Sir, anſwer the Queſtion, which in very ſhort Terms is this, where my Lord *Caſtlemain* was all the whole Year (72.)

Lydcot. Well, *my Lords*, I will: I can but read it over again. From *Liege* we ſet forth to *Paris*, *January* 1ſt. (72.)

L. H. Steward. Are not you a rare Fellow now?

Lydcot. My Lords, I underſtand it according to the Stile of that Country when I am there, and of this place when I am here.

L. H. Steward. Anſwer me according to our Stile.

Lydcot. This that I have written here, in the Book out of which I took it, hath been written ever ſince that time; and I did not think I ſhould er'e be called to account about it.

L. H. steward. Begin *January* the 1ſt. (71.)

Lydcot. We went from *Liege* to *Paris*, where we ſtaid about a Week, or ſuch a time, and we arrived at *London*, *January* 24th. that is the Old Stile, and ſtaid at *London* till *May* 8th. (73.)

L. H. Steward. That is impoſſible, for you 'ſcape a Year and an half together.

Lydcot. My Lord was here in *England* in *January*.

L. H. Steward. You begin very gravely with *January*, *Stilo Veteri*, that you came from *Liege*, and ſo *January* 24th, *Stilo Veteri*, you came to *London*.

Lydcot. When I ſpeak of any Stile, I underſtand it according to the Stile of the Country.

L. H. Steward. But in your account, what is become of all the time from *January* (71,) to *January* (72,) ſay and ſwear, if you can, where my Lord was all that time.

Lydcot. He muſt be in *London*.

L. H. Steward. Can you take it upon your Oath, that my Lord was in *London* from *January* (71) *Stilo Veteri*, to *May* (73) *Stilo Veteri*?

Lydcot. I cannot know how to count better than I have done.

L. Stafford. Mr. *Turbervill* ſays, my Lord *Caſtlemain* was in (73) at *Powis* Caſtle; I beſeech *your Lordſhips* this man may be asked, and that without any Interruption, where my Lord was that Year.

Sir *Will. Jones.* With your Lordſhips favour, I muſt deſire your Lordſhips to ask Mr. *Turbervill* whether he did ſay poſitively the Year (73,) for if my Ears and my Notes do not fail me, he ſaid, *As he remembred*, and that is the reaſon why we ask about the Year (72.)

Mr. *Turbervill.* My Lords, I do not ſay poſitively, nor cannot, which Year it was.

Lydcot. My Lords, I do ſtand upon it that he was in *London*, *January* (72, and went away *May* (73)

L. H. Steward. What becomes of the mean time, between *January* (71) and *May* (73)?

Lydcot. My Lords, I explain my ſelf as well as I can.

L. H. Steward. My Lord *Stafford*, will you call any more Witneſſes.

L. Stafford. Yes, *My Lord.*

L. H. Steward. Call them then.

Earl of *Shaftsbury.* My Lord High *Steward*, I deſire my Lord *Stafford* may be asked how many Witneſſes my Lord hath more, for it now grows late.

L. H. Steward. My Lord I deſire to know how many Witneſſes you have more?

L. Stafford. Three or four, I can't well tell how many.

Lords. Adjourn, Adjourn.

L. H. Steward. Is it your Lordſhips pleaſure that we do Adjourn?

Lords. Ay, Ay.

L. H. Steward. Then this Houſe is Adjourned into the Parliament Chamber.

Then

Then the Lords returned in their former Order to their Houſe, and the Commons went back to their Houſe.

Mr. Speaker *reſumed the Chair, and a Meſſage from the Lords was ſent by Sir* Timothy Baldwin *and Sir* Samuel Clark.

Mr. Speaker.

The Lords have ſent us to acquaint this Houſe, that they have Ordered the Priſoner *William* Viſcount *Stafford* to be brought again to his Tryal at the Bar in *Weſtminſter-Hall* to morrow morning at Ten of the Clock.

The Fourth Day.

Friday, December 3. 1680.

ABout the Hour of Ten in the morning the Lords Adjourned into *Weſtminſter-Hall*, and returned in their former Order into the Court there erected; and *Mr Speaker* having left the Chair, the Commons were Seated as before mentioned.

The Court being ſat, Proclamation for Silence was made, and the Lieutenant of the Tower commanded to bring his Priſoner to the Bar, which being done, the *Lord High Steward* ſpake to the Priſoner as followeth.

L. H. Steward. My Lord *Stafford*, your Lordſhips Defence took up yeſterday; All the day was employed in hearing your Lordſhips Witneſſes to impeach the Credit of the Teſtimony that hath been given againſt you. Your Lordſhip hath excepted againſt *Dugdale*, becauſe you were not at *Tixall*, as he ſays you were; neither the latter end of *Auguſt*, nor the beginning of *September* till the Twelfth; and when you were there, you never ſent for him to your Chamber, but your Man upon his own deſire brought him, and when he came there, the buſineſs was to deſire you to get leave that he might go to the Race; and there was no opportunity of private Diſcourſe, becauſe your Men were in the Room all the while; That *Dugdale* hath often ſaid he knew nothing of the Plot; that he ſwore falſly when he ſaid he told of the Letter about the death of Sir *Edmundbury Godfrey* before it was known he was killed; and when he ſaid, that *Hobſon* told him preſently after the Almoner went over, which was three years before *Hobſon* came to my Lord *Aſton*'s Service. Your Lordſhip hath likewiſe objected, that he hath corrupted perſons to ſwear falſly againſt you, and others, as *Robinſon* the Upholſterer, againſt your Lordſhip, *Morrall* the Barber againſt Sir *James Symons*, and *Holt* the Blackſmith to ſwear that one *Moor* carried away *Evers*. Your Lordſhip hath endeavoured to diſcredit *Oates*, by his ſaying he knew nothing of any other perſons that were concerned in the Plot, and after accuſing the Queen: Your Lordſhip hath Impeached the Credit of *Turbervill*, by proving, that you came home by *Diep*, and not by *Calice*, as he ſays you did; That you had never the Gout while you were in *France*, nor, as your Page ſays, for theſe ſeven years; That my Lord *Caſtlemain* was not at my Lord *Powis*'s in the year (73) and there you left off. This I take is the Sum of what your Lordſhip ſays, if I do you any wrong, your Lordſhip will put me in mind of it.

L. Stafford. I thank your Lordſhip, you have done it with great Equity and Truth.

L. H. Steward.

L. H. Steward. Then go on.

L. Stafford. The next Witneſs that I call, is one *John Porter.*

(Who ſtood up.)

L. H. Steward. What is your Name?

Witneſs. John Porter.

L. H. Steward, What Profeſſion are you of?

Porter. A Butler.

L. H. Steward. To whom?

Porter. To my Lord *Powis.*

L. Stafford. My Lords, I deſire *your Lordſhips* would ask him what Mr. *Turbervill* ſaid about the Plot.

L. H. Steward. I will ask him all the Queſtions your Lordſhip deſires I ſhould ask him.

Mr. Foley. We deſire to know what Religion he is of?

L. Stafford. I deſire your Lordſhips would ask him that Queſtion, and not the Managers.

L. H. Steward. They will tell me their Queſtions my Lord, and I will ask them.

L. Stafford. They ask him, *my Lords*, and not you.

L. H. Steward. What Religion are you of?

Porter. A Church of *England* Man, *my Lords.*

Mr. Serj. *Maynard.* The Popiſh Church of *England*, I believe.

L. Stafford. Pray, *my Lords*, let not this be, when my Witneſs ſays he is of the Church of *England*, they cry he is of the Popiſh Church of *England.*

Mr. Serj. *Maynard.* Pray, good my Lord, we are ſilent when you ask him proper Queſtions, and make no Remarks, we do not ſpeak it to the Court, we may ſay what we will among our ſelves, I hope.

L. Stafford. I may ask impertinent Queſtions, becauſe I do not underſtand ſo well as theſe Gentlemen. But I pray they may not deal thus with me.

L. H. Steward. My Lord, you ſhall ask what Queſtions you pleaſe.

L. Stafford. Pray ask him what Mr. *Turbervill* ſaid to him about his knowledge of the Plot.

L. H. Steward. What did *Turbervill* ſay to you about his knowing of the Plot?

Porter. About a year ſince, when I ſerved my Lord *Powis*, as Butler there, he was uſed to come and ſee me, it was not at my Lords Houſe, but he ſent for me to a Victualling-Houſe.——

L. H. Steward. That was the laſt year?

Porter. Yes.

L. H. Steward. What time of the year?

Porter. It was about Twelve Months ago, I cannot ſay poſitively the time.

L. H. Steward. Was it Winter or Summer?

Porter. He hath been both, I cant't be poſitive which; I believe he hath been there 40 times.

L. H. Steward. In the year (80) or (79?)

Porter. In the year (79.)

L. H. Steward. What did he ſay?

Porter. He came there, and asked me how my Lord *Powis* did, and ſaid he was extremely troubled that he was in that Affliction, for he did verily believe, that neither he, nor the reſt of the Lords were in the Plot, and the Witneſſes that ſwore againſt him, he believed were Perjured, and could not believe any thing of it.

L. H. Steward.

L. H. Steward. Have you any more to say?

Porter. Yes, *my Lords*, I told him, if there were such a thing as a Plot, he having been beyond Sea, must certainly know of it; he told me, as he hoped for Salvation, he knew nothing of it, neither directly nor indirectly, against the Kings Sacred Person, nor the Subversion of the Government. And he further said, Although I am a little low at present, and my Friends will not look upon me, yet I hope God Almighty will never leave so much, as to let me Swear against innocent Persons, and forswear and damn my self.

L. H. Steward. Where was this said to you?

Porter. At the *Ship* Alehouse in *Lincolns Inn Fields* one time, another time at the *Kings Head* Tavern in the *Strand*, and another time at the *Golden Ball* in the *Strand.*

L. H. Steward. Was any body by, besides your self?

Porter. Not at that time, but there is a Gentleman in Court, that can testifie that he said such things at other times.

L. H. Steward. What say you to this *Turbervill?*

Mr. Turbervill. I say 'tis all false. But if *your Lordships* please, I'le tell you what I said once, I did conceive my Lord *Powis* was the least concerned of any, I thought, and I hoped it would prove so. I can take all the Oaths in the World I said no more.

L. H. Steward. What else do you know?

Porter. Only such things as these he hath often said.

Earl of Shaftsbury. Pray, *my Lords*, ask him how came *Turbervill* to talk of Witnesses about the Plot.

L. H. Steward. Upon what occasion came *Turbervill* to talk of these matters?

Porter. It was only voluntary of himself, it was speaking of my Lord *Powis*, and the rest of the Lords in the Tower.

Earl of Shaftsbury. My Lords, I mean of his own being a Witness.

L. H. Steward. How came *Turbervill* to say, he hoped God Almighty would never forsake him so far, as to let him swear against innocent Persons, he was never called to be a Witness?

Porter. But, *my Lords*, some of his Friends did say they were fearful of him, in regard he was reduced to Poverty; His Friends were fearful.

L. H. Steward. Who were fearful?

Porter. His Brother and Sister, Mr. *Turbervill* and his Wife.

L. H. Steward. Did he take notice to you that they were afraid he would come in?

Porter. Yes, Mr. *Turbervill* did tell me himself, that they heard he would come in.

L. H. Steward. Have you said all you have to say?

Porter. My Lords, that is all I have to say.

L. H. Steward. Then call another, my Lord.

L. Stafford. Where is Mr. *Talden?*

(Who stood up.)

L. H. Steward. What is your Name?

Witness. Talden.

L. H. Steward. Your *Christian* Name?

Witness. John.

L. H. Steward. What is your Profeſſion?

Talden. A Barreſter at Law.

L. H. Steward. How long have you been called to the Bar.

Talden. I was called to the Bar laſt *Trinity Term* 12 Months.

L. H. Steward. What Houſe are you of?

Talden. Grays Inn.

L. H. Steward. Are you a Practiſer?

Talden. Yes, *my Lords.*

L. H. Steward. What Religion are you of?

Talden. Of the Church of *England.*

L. H. Steward. Well, what can you ſay?

Talden. I am ſummoned to appear by Order of this Houſe, and I deſire to know of my Lord what he is pleaſed to examine me about.

L. Stafford. What Mr. *Turbervill* hath ſaid in his hearing about the Plot.

L. H. Steward. What diſcourſe hath paſſed between you and *Turbervill* about the Plot?

Talden. My Lords, In *February* or *March* laſt, I was walking in *Grays-Inn-Walks* with Mr. *Turbervill*, and Mr. *Powell* and he dined with me a day or two after, and there Mr. *Turbervill* and I were talking of the diſtractions of the Times, how Trade was ruined, how the whole Kingdom was out of order, and he was a little touched at ſome things, and cryed out, *God Dam me, now, there is no Trade good but that of a Diſcoverer, but the Devil take the Duke of* York, Monmouth, *Plot and all, for I know nothing of it.*

L. H. Steward. That is odd, that he ſhould ſay it was a good Trade to be a Diſcoverer, and at the ſame time ſay, he knew nothing of the Plot.

Talden. This I underſtood to be his meaning; he curſed himſelf and them, becauſe he knew nothing of the Plot to diſcover, for he would have got Money by it (as I underſtood) as well as others.

Mr. Turbervill. My Lords, Mr. *Talden* did declare yeſterday, he was ſummoned in by my Lord *Stafford* the laſt night, and that he had nothing to ſay but what was by Hear-ſay.

Mr. Talden. My Lords, I do declare here what I ſay is true; and yeſterday Mr. *Powell* gave me a Caution to take heed what I did, and ſwore, by God, it would elſe be the worſe for me.

L. H. Steward. Who did?

Talden. Mr. *Powell.*

L. H. Steward. Who is that?

Talden. Mr. *Turbervill*'s Friend. And I ſaid I do not appear here as a voluntary Evidence, but by an Order of the Houſe of Lords; I do not know what weight my Evidence may have, for I can ſay nothing but what I heard him ſay, and ſo perhaps it will be taken but for an Hear-ſay.

Mr. Turbervill. You ſaid you knew nothing but by Hear-ſay.

L. H. Steward. Will you ask him any Queſtions Gentlemen?

Managers. No, *my Lords.*

L. Stafford. My Lords, I ſhall not trouble your Lordſhips with any more Witneſſes as to theſe Points; I have here a Copy of the Warrant for the Yacht to go to *Diep*; and if there be any queſtion whether I did come over from *Diep* at *Chriſtmaſs* (75) if you pleaſe the Book may be ſearched.

L. H. Steward. My Lord, it is all loſt, for I hear not one word.

L. Stafford. I ſay, *my Lords*, if it be fit to trouble your Lordſhips with it, I can prove that I did come over in the Yacht from *Diep* at *Chriſtmaſs* (75.) Here is the Copy of the Warrant for it to go for me. And whether you will have it proved that I did come over thence, I ſubmit to you.

L. H. Steward.

L. H. Steward. I ſuppoſe that is fully proved, already, that you did come by *Diep.*

Managers. We do not deny it.

L. H. Steward. You do not ſtand upon it, Gentlemen, do you?

Managers. No, no, *my Lords.*

L. H. Steward. 'Tis admitted to you, my Lord.

L. Stafford. My Lords, when I went from *your Lordſhips* Bar laſt Night, I had no thoughts of Examining any Witneſſes, but what I have already done: But, *my Lords,* ſince I was here, there hath ſomething happened, about which I deſire Dr. *Oates* may be called again, (I ſhall give you the reaſon why I move it afterwards,) upon ſomething I heard Yeſter-Night.

L. H. Steward. Call Dr. *Oates* again. (*Who appeared and ſtood up.*)

L. H. Steward. My Lord, What does your Lordſhip call him for?

L. Stafford. He did ſay, that he being a Miniſter of the Church of *England,* did ſeemingly go over to the Church of *Rome,* or ſome ſuch words; I deſire he may anſwer that firſt.

L. H. Steward. What ſay you?

Dr. *Oates.* Yes, I did ſay, I did but ſeemingly go over.

L. Stafford. I deſire to know, whether he was really a *Papiſt,* or did but pretend.

Dr. *Oates.* I did only pretend, I was not really one, I declare it.

L. H. Steward. What do you make of that?

L. Stafford. I deſire to know how long Dr. *Oates* was in *Spain.*

Dr. *Oates. My Lords,* I came into *Spain* in *May,* and I came Home again in *November.*

L. H. Steward. That is ſix Months.

L. Stafford. He is called Dr. *Oates*: I beſeech *your Lordſhips* to ask him, whether he were a Doctor made at the Univerſities here, or abroad.

Dr. *Oates.* My Lords, if *your Lordſhips* pleaſe, any matter that is before *your Lordſhips,* I will anſwer to it, but I hope *your Lordſhips* will not call me to account for all the Actions of my life, whatever Evidence is before *your Lordſhips,* I will juſtifie.

L. H. Steward. The Doctor hath never taken it upon his Oath, that he was a Doctor, and why do you ask it?

L. Stafford. He is called a Doctor, and I would know whether he did never declare upon his Oath, that he took the Degree at *Salamanca?*

Dr. *Oates.* My Lords, I am not aſhamed of any thing I have ſaid, or done, I own what is entred as my Oath before *your Lordſhips,* and am ready to anſwer it; but I am not bound to ſay, what does not at all concern this Buſineſs.

L. Stafford. I ſay, *my Lords,* 'tis entred upon *your Lordſhips* Books, that he did ſwear at the Council, he was at *Madrid* with *Don John* of *Auſtria*; I would know of him, whether he did ſo.

Dr. *Oates. My Lords,* I would have my Lord to propoſe the Queſtion to the Court of Peers.

L. H. Steward. Have you ſworn any thing of *Don John* of *Auſtria?*

Dr. *Oates. My Lords,* I refer my ſelf to the Council Book.

L. Stafford. I beſeech *your Lordſhips,* I may have that Book.

L. H. Steward. I believe it is in the Narrative, turn to the Journal, you have that mentioned there.

To which the Clerk turned, but it could not be found.

L. H. Steward.

L. H. Steward. If you will not acknowledg it, we muſt ſtay till the Book be brought.

Dr. *Oates.* My Lords, if *your Lordſhips* pleaſe, I will repeat, as well as I can, what was ſaid at the Council Table, but I had rather the Council Book were fetched, becauſe I am upon my Oath; but, *my Lords*, I always thought the Council Book is no Record upon any man.

L. Stafford. I deſire it may be produced, or he own that he ſaid ſo.

L. H. Steward. What you ſaid at the Council Table, you ſaid upon your Oath, and 'tis lawful to lay it before you.

Dr. *Oates.* But, if *your Lordſhips* pleaſe as to what was ſaid at the Council Table, if my Lord will bring any one *Viva voce*, to ſwear what was ſaid by me there, that will make ſomething.

L. H. Steward. That may be material, as he ſays, That your Lordſhip ſhould bring ſome Body to ſwear he ſaid ſo; for the Clerks may miſtake him.

L. Stafford. If *your Lordſhips* pleaſe that the Book may be ſent for, I will make it out.

Sir *Will. Jones.* It could not be read if it were here.

L. H. Steward. If the Clerks will ſwear what is in the Books, it may.

Sir. *Will. Jones.* But whether the Clerks will take that upon them or no, may be a Queſtion.

L. H. Steward. Go on in the mean time.

L. Stafford. I cannot conclude with him without it.

L H. Steward. Where is the Council Book? For the Clerks inform me 'tis not in their Cuſtody; but the Gentlemen of the Houſe of Commons have been attended with the Book, and other Papers relating to it.

L. Stafford. In the mean time, give me leave to ſay ſomething, though perhaps it may be nothing to the purpoſe; Mr. *Yalden* was juſt now going down, and *Turbervill* threatned to lay him by the Heels.

L. H. Steward. If he did ſo, 'tis a Miſdemeanor, and he muſt be puniſhed for it. Call *Yalden* and *Turbervill.*

L. H. Steward. Mr. *Turbevill*, Have you dared, or threatned *Yalden* the Witneſs, to lay him by the Heels?

Mr. *Turbervill.* I did not ſpeak any ſuch words to him, Mr. *Dugdale* was juſt by me all the while.

L. Stafford. I tell you but what he ſaid, and what I can prove by Witneſs; pray call *Yalden.*

Mr. *Turbervill.* This Gentleman, Captain *Scudamore*, ſtood by me too.

L. H. Steward. But I ask you upon this Miſdemeanor, Whether you threatned *Yalden* to lay him by the Heels?

Mr. *Turbervill.* My Lords, I ſtood by Mr. *Dugdale* till he was gone down.

L. H. Steward. How could he lay him by the Heels? By what Authority could he do it?

Mr. *Turbervill.* I did not ſpeak ſuch a word, upon my Oath.

L. Stafford. Ask *Yalden*, I am told he did.

L. H. Steward. I am afraid you are miſinformed, my Lord, for he could not do it, 'tis not in his power.

L. Stafford. He threatned he would Goal him, but if you won't Examine it, I ſubmit to you.

Dr. *Oates. My Lords*, *Yalden*, it ſeems, calls us a Pack of Rogues, that give Evidence for the King; and here are Witneſſes of it.

(Yalden *ſtood up.*)

L. H. Steward. Yalden, Were you threatned by *Turbervill?*

Yalden. Yes, I will tell you how I was threatned, *my Lords*, Mr. *Turbervill* pulls me by the Arm, when I had given my Evidence, and asked me if I knew him, and bid me take care.

L. H. Steward. Do you call that a Threatning?

Yalden. My Lords, I did not make this Complaint, nor did I deſire it ſhould be made; but ſpeaking this in the Room, ſome Body carried it to my Lord.

Mr. *Turbervill. My Lords*, now he hath done, let me ſpeak, I pray; Mr. *Yalden* did ſay in the hearing of Captain *Scudamore*, who is here, he had got a great many Clients here, but you, ſays he, have got nothing but a pack of Rogues.

Yalden. That is a miſtake.

L. H. Steward. This is fine work. But, Gentlemen, will you call Captain *Scudamore* now, or will you ſtay till afterwards?

Sir *Fr. Win. My Lords*, Mr. *Turbervill* deſires it may be now, and we do alſo deſire it upon this occaſion, Captain *Scudamore* is a man of Quality, and will give you a true Account. We did not think to have interpoſed in my Lord *Stafford*'s Evidence, but he having Impeached our Witneſſes of a Miſdemeanor, we conceive it fitteſt to clear it at this time.

Then Captain Scudamore *was ſworn.*

L. *H. Steward.* Mr. *Scudamore*, what are you called for? Can you ſay any thing that happened between *Turbervill* and *Yalden?*

Captain *Scudamore.* The Gentleman that is here, that ſaid he was one of *Grays-Inn*, I do not know his Name.———

L. *H. Steward.* 'Tis *Yalden.*

Captain *Scudamore.* I heard a Gentleman ask him, if he came there to get Clients? And he ſaid, I know nothing among you but Roguery.

L. *Stafford.* Whereabouts did this Gentleman ſtand?

Captain *Scudamore.* In the Paſſage.

Mr. *Turbervill.* Here are five or ſix more that heard him ſay ſo.

Yalden. That which I ſaid, was this, That I might come hither for Practice, but I did not come hither for Roguery.

L. *H. Steward.* My Lord *Stafford*, until ſuch time as the Council Book comes, which may be ſent for; Will your Lordſhip proceed to ſomething elſe?

L. *Wharton.* My Lord *Steward*, I humbly conceive, That it was reſolved in the Lords Houſe, the day before Yeſterday, that no Book ſhould be ſent for out of the Court, and it was done upon the Judgment of all the Judges of *England.*

Yalden. My Lords, They will not permit me to go down.

L. H. Steward. There is a ſtrange Quarrel between you Witneſſes, and an Affectation of complaining one of another. Let Mr. *Yalden* go down.

Sir *Will. Jones. My Lords*, I would only acquaint *your Lordſhips*, that the Council Book, that my Lord does make mention of, was in the hands of our Clerk, we did not know of it, when it was firſt diſcourſed of; but now underſtanding that here it is, we deſire it may be delivered in to any Body that hath occaſion for it.

L. H. Steward. Hand it in. (*Which was done.*)

L. H. Steward. What day does your Lordſhip ſpeak of?

L. *Stafford.* The 28th, 29th, or 30th of *September.*

Clerk. Then this is not the Book, for this is for *January.*

L. Stafford. My Lords, Is it *your Lordſhips* pleaſure I may have Pen, Ink, and Paper allowed me?

L. *H. Steward.* Yes, yes, give my Lord, Pen, Ink, and Paper, (*which they did.*)

Then the Lord High Steward *looked upon the Council Book.*

L. *H. Steward.* My Lord *Stafford*, In this Council Book, as far as we can inform our ſelves by the Table of it, there is nothing at all of it; it muſt be the Council Book in *September.*

Sir *Will. Jones.* We have no other Book but that.

L. H. Steward. Why did not your Lordſhip ſend all this while to the Council Table for any thing that was material, but give the Court the trouble to be interrupted upon your Inquiries?

L. Stafford. My Lords, You may do what you pleaſe, I did not know any ſuch thing would have needed to be urged, I have Proof enough without the Book; The uſe I ſhould have made of it, is this, I do appeal to ſome of *your Lordſhips* (you that were of the Council) I do appeal to which of you that were by, whether Dr. *Oates* did not ſay at the Council Table, he had been at *Madrid*, he went from *Valladolid* to *Madrid*, and there did Preach ſomething at the Jeſuits Colledg at *Madrid*, (what it was I cannot tell) when *Don John* of *Auſtria* was by.

L. H. Steward. If any of my Lords of the Council do remember it they may Teſtifie.

L. *Privy Seal. My Lords*, I ſhall tell *your Lordſhips* as much as I remember of it: Dr. *Oates* was examined about his Journey into *Spain*, and (amongſt the reſt) ſome Queſtion happened to be asked, whether he had ſeen *Don John* of *Auſtria*, he ſaid he had ſeen one that was called ſo, that he knew him not, but he was pointed to one that they ſaid was *Don John* of *Auſtria*; that I heard.

L. Stafford. My Lord, I thank you.

L. H. Steward. You hear what is ſaid, Dr. *Oates.*

Dr. *Oates. My Lords*, ſuppoſe I did ſay ſo, I think there is no Crime in it.

L. H. Steward. 'Tis not objected againſt you as a Crime, but as a Miſtake in your Oath, there was no ſuch man there.

L. *Privy Seal. My Lords*, I would not be miſunderſtood in the Evidence I give; I did not ſay that *Oates* ſaid he knew him, But that he knew him not, and only was told ſuch a man was he.

Dr. *Oates.* It was made apparent, that I did not know him, becauſe I miſtook his Perſon.

L. Stafford. I do ſtand upon it, That upon his Oath (and I have reaſon to believe he did ſo, becauſe I am ſo informed) he ſaid it was *Don John* of *Auſtria.*

L. *Privy Seal.* No, my Lord, Dr. *Oates* ſaid, he was a tall lean man, and it ſeems he was a little fat man.

L. Stafford. If any man would ſhew him a man to counterfeit *Don John* of *Auſtria*, he would not ſhew him a lean man for a fat.

L. H. Steward. Go on, my Lord.

L. Stafford. I ſhall now put *your Lordſhips* in mind that he ſwore, but my Memory is bad, and my Eyes much worſe, that he ſaw me receive a Commiſſion, and it ſeems he ſaw what it was too: Now it is ſtrange, that amongſt ſo many Commiſſions that were given, none ſhould be extant; I deſire him to ſhew the Commiſſion he ſaw me receive.

L. H. Steward. Would your Lordſhip have him ſhew the Commiſſions which he ſaw you receive?

L. Stafford. I do not believe he can ſhew my Commiſſion; for I am ſure there was none; I deſire him to ſhew any one of my Letters he talks of. He ſays, he came over, feigning to be a Papiſt, when he was not, and that they ſhewed him preſently all my Letters, and now he is come to diſcover the Plot; I ask him, did he keep any one of my Letters?

L. H. Steward.

L. H. Steward. Have you any of my Lords Letters by you?

Dr. Oates. My Lords, I could not keep any Letters ſent to the Fathers, I had a ſight of them, but none of them to my particular uſe.

L. Stafford. Does he know my Hand? did he ever ſee it in his Life?

Dr. Oates. Yes, I do know his Hand, I believe I have a Letter of my Lords by me, but not about me, 'tis of no Concern; I'm ſure I have one of my Lord *Arundel*'s.

L. Stafford. But he ſays he hath a Letter of mine; let him ſhew one of my Letters.

Dr. Oates. He writes a Mixt-Hand, I think 'tis but an indifferent one.

L. Stafford. So many Commiſſions, and ſo many Letters, as are ſpoken of, and not one to be found or produced.

L. H. Steward. Can you ſend for the Letter?

Dr. Oates. My Lords, I am not certain of that.

L. H. Steward. Where did you ſee my Lord write?

Dr. Oates. At *Fenwicks*, *my Lords*, when I carried the Letter to the Poſt.

L. Stafford. How often hath he ſeen me at *Fenwicks?*

Dr. Oates. My Lords, not above twice, if twice.

L. Stafford. My Lords, I cannot ſay I did not ſee him there, but I can ſay I don't know the place, nor that ever I was there.

Dr. Oates. My Lords, will his Lordſhip ſay I never ſaw him at Dr *Perrots?*

L. Stafford. Who?

Dr. Oates. My Lord *Stafford.*

L. Stafford. Where did he live?

Dr. Oates. In *Dukes-ſtreet*, going into *Lincolns-Inn-Fields*; he is the Arch-Prieſt of the *Seculars*, that is, the Principal of the Secular Clergy; and he hath the care of the *Engliſh* Colledge for the ſending of Scholars to the Colledge. Mr. *Fiſher*, my Lord *Stafford*, and Dr *Perrot* were together diſcourſing about ſending his Son thither, and Mr. *Fiſher* would have one ſent with him that was Dr *Perrot*'s Man.

L. Stafford. I do profeſs before God, I was never at Dr *Perrot*'s in my whole Life.

L. H. Steward. Did not you ſend your Son abroad?

L. Stafford. No, *my Lords*, not I.

L. H. Steward. Had he a Servant at Dr *Perrot*'s to attend him?

Dr. Oates. No, *my Lords*, not that I know of, I cannot ſay he had not.

L. *Stafford.* I tell you poſitively, as I am a Chriſtian, *my Lords*, I did not ſend my Son to *Lisbon*, he went againſt my Will. I told him I had an averſion to it, but ſaid I will not lay my Commands on you not to go, but he would go, I could not help it; I told him, Do you mean to go into the Colledge? he would not tell me.

L. H. Steward. Pray, my Lord, does not your Lordſhip know Dr *Perrot?*

L. Stafford. Yes, *my Lords*, I do.

L. H. Steward. Were you never with him at his Houſe in *Duke-ſtreet?*

L. Stafford. No, *my Lords*, never in my Life, nor ſaw that *Fiſher* he ſpeaks of, ever in my Life.

Dr. Oates. My Lord, 'tis againſt the Rules of that Houſe, that any be admitted of that Houſe (if their Parents be Catholicks) without conſent of their Parents.

L. Stafford. If he be admitted there, I know it not.

Dr. Oates. He lives there.

L. *Stafford.* But I proteſt before God, *my Lords*, I asked him that Queſtion, Will you go to the Colledge? No, ſays he, I will go to lie at the Biſhops Houſe; but as for Dr *Perrot*, I never was at his Lodgings in my Life, and I never knew where he lay; he hath been with me ſometimes, but I

knew

knew not that he was a Doctor. But, *my Lords*, I desire I may not be ran down by these Fellows, who do not speak a word true, not one tittle. *My Lords*, I have Witnesses in whose House *Fenwick* lay. Call them, and ask them if ever they knew me there in their Lives.

L. H. Steward. What kind of Man was he?

Dr. Oates. My Lords, he is an antient Man, he wears his own Hair.

L. H. Steward. Is he a tall Man, or a low Man?

Dr. Oates. A lusty Man.

L. Stafford. Truly, *my Lords*, I never was at his house since I was born.

Dr. Oates. My Lords, I'll tell *your Lordships* a Circumstance, That Summer *Don Francisco de Melos*, the Ambassador here was sick, and I think he died of the Sickness, Dr *Perrot* was his Father Confessor; I was waiting for Dr *Perrot* some time, for he promised to meet me at his Lodgings, and this Gentleman the Prisoner at the Bar did come in there.

L. Stafford. Where?

Dr. Oates. Into Dr *Perrots* Lodging. Dr *Perrot* had a Kinsman there that waited on him; and when my Lord came in, he was in haste to speak with Dr *Perrot*, and he offered me half a Crown to fetch Dr *Perrot* to him, and I made him this Reply, I was no Porter.

L. Stafford. If ever I saw this man in my Life since I was born, or heard of his Name till the Plot, then I will confess my self Guilty of all. Indeed, when first I heard of the Plot (they said) there was one Mr. *Oates* discovered it, but I did not know any such man.

Dr. Oates. I went by another Name, and went in another Habit, and my Lord *Stafford*, though his Memory be bad, yet it can't be so bad, but that he must remember something of me.

L. Stafford. I don't remember you, I never saw your face in my Life.

L. H Steward. You would have given him half a Crown to have fetcht Dr *Perrot*.

L. Stafford. It seems then at that time, I took him for a poor Fellow, that I should offer him a shilling or two.

Dr. Oates. It is like I was, but I refused your half Crown, and told you I was no Porter.

L. Stafford. My Lords, I shall give you Evidence that he was a poor Fellow, since he gives me occasion to prove it, nay, that he was so poor, that he was brought down to accept of 6 *d.* I will prove it by the Party that gave it, now he puts me upon it: But, *my Lords*, this Doctor *Oates* says he saw some of my Letters, I desire to know what was in them; Did he take any Notes? What was in them?

L. H. Steward. Did you when you had a sight of these Letters at St. *Omers*, take any Notes out of them?

Dr. *Oates.* What Notes I did take, if I did take any, I have not now in being, but I do not remember that I did take any. Besides, *my Lords*, we could keep no Papers by us, but what we communicated to our Superiours, and therefore it was still their care to look after their Papers themselves; and in that Circumstance of time, if they had known I had taken Notes out of their Papers, it would have been prejudicial to me, and indangered my life.

L. *Stafford. My Lords*, I do infer this one thing further, upon what this Dr. *Oates* tells you, He did seemingly profess himself of the *Catholick Religion*, and I do stand upon it, that hereupon he is no competent Witness in that which he offers against me: For he being of the Church of *England*, (for I think he professes himself so, and wears that Habit) I say, any man, let him be who he will in

the

the World, Church of *England*-man or other, that ſhall pretend himſelf to be a Papiſt, for what end ſoever it be that he ſo pretends, and diſſembles with God Almighty, which he muſt do to a great height, in receiving that Sacrament, which is by *your Lordſhips* and the Houſe of Commons declared to be groſs Idolatry, is not eaſily to be eſteemed a Witneſs. I appeal to *your Lordſhips*, to the Houſe of Commons, and every body, whether ſuch a Fellow, that will abhor his Religion, let him do it for any ends in the world, be a man to be credited; and eſpecially ingaging in ſuch a way, to ſuch an heighth, in that which his Conſcience tells him is Idolatrous, is not a Perjured Fellow, and no compleat Witneſs? No Chriſtian, but a Devil, and a Witneſs for the Devil. And I appeal to the whole Chriſtian World, if a Proteſtant of the Church of *England* ſhould come to be a Servant to a Catholick, and pretend himſelf a Papiſt, and were not ſo, whether he were fit to be countenanced; as it did once happen to me at *Bruſſels*, before the King came in, one that was a Proteſtant came to be my Footman, and he profeſſed himſelf afterwards to be a Catholick; and when I found he was not ſo, I told him what a Villain he was, and he ought to be puniſhed ſeverely. I deteſt ſuch diſſembling with God, and I think by the Laws of God and Man, and the Holy Scriptures, ſuch a Perjured Man is no Witneſs. I am ſorry I have troubled *your Lordſhips* ſo long. But now if you pleaſe to give me leave, *my Lords*, I will give you my Reaſons why I called him now: when I did remember how he had diſſembled with God Almighty, as I ſaid before, I did conſider with my ſelf, ſure this Dr. *Oates* muſt have been, ever ſince he hath returned, of a very ſevere, ſtrict, and ſober life; for a man that hath ſo diſſembled with God, ought to ſhew himſelf of an exemplary, peaceful, pious, civil Life, to teſtifie the truth and reality of his Repentance. But laſt night when I came home, and was ſiting by the fire ſide, extreamly weary, my Daughter here comes in, and asks me if I had heard what had paſſed between Dr. *Oates* and the Lieutenant; how he called the Lieutenant Raskal and Jaylor: ſure then, ſaid I to my ſelf, this is not the quiet, civil, ſober man, that ſuch a one that hath lived as he hath done, ought to be. And this is the reaſon I ſpeak of it, that he ſhould call him vile Names, Goaler and Raskal; it did not become a man of his Coat to do it: whether it was ſo or no, I do not know, but Mr. Lieutenant, I ſuppoſe, will ſatisfie *your Lordſhips*.

L. H. Steward. What did *Oates* ſay to you, Mr. Lieutenant?

Mr. Lieutenant. My Lords, I was deſiring M. *Oates* that he would keep the people down, becauſe there was a great croud; and ſeeing a great many people come in, he told me, they were Witneſſes that were to come in: ſaid I, I believe half of theſe are not Witneſſes; and the door opening ſo often, I could keep this place in no order; ſo I deſired they would ſtand away that were not Witneſſes: why, ſays he, you are but a Goaler; then I told him, if it were not for his Coat, and I were out of this place, I would break his head. Then he called me Raskal.

L. Stafford. My Lord Steward, I deſire to know whether this be a Witneſs fit to be believed againſt any man.

L. H. Steward. Mr. *Oates*, this does not become you; 'tis very ill manners in you.

Dr. Oates. My Lords, the Lieutenant of the *Tower* hath the Law; and I refer my ſelf to the Law, if I have done him any wrong.

Mr. Serj. *Maynard.* It did not become Mr. Lieutenant of the *Tower* to tell him he would break his head.

Mr. Lieutenant. Why? if any man out of the Court, or in any other Habit, ſhould tell me I was a Goaler, I think I ſhould not deſerve to be the Kings Lieutenant, if I did not break his Head.

Mr. Serj. *Maynard.* Pray tell the Court ſo. But yet, under favour, you ought not to threaten him for a word to break his head.

L. *Stafford. My Lords,* I do ſay this to *your Lordſhips,* a man that hath diſſembled with God Almighty in ſo high a nature, as he acknowledges himſelf to have done, ought to be a man of a very ſevere life afterwards, and not ſo paſſionate and cholerick, as it ſeems this fellow is.

L. H. Steward. Will your Lordſhip proceed?

L. *Stafford.* For this man, truely, I ſhall ſay no more; I think I have ſaid enough to make him appear a perſon not fit to be believed. I would only ask *Stephen Dugdale* a Queſtion, if you pleaſe; 'tis but a little, I won't hold you long. I only ask, and if he deny it, I'le prove it, whether he was not a Priſoner at *Stafford* for Debt, when he made the firſt Affidavit?

L. H. Steward. Were you a Priſoner for Debt at *Stafford,* when you made your firſt Affidavit?

Mr. Dugdale. In the Serjeants hands I was, *my Lords.*

L. *Stafford.* For a very great Debt, *my Lords,* ſome hundreds of pounds, and he was a fellow not worth a groat: And, *my Lords,* Dr. *Oates* ſays I offered him half a Crown, and he refuſed it. I call *Ellen Rigby* to prove he was ſo poor he begg'd for ſix pence.

Dr. Oates. I will ſave my Lord the trouble of proving any ſuch thing. My Lord *Stafford* ſays I was a poor man, and had not ſix pence in my pocket; I can make it appear to the Houſe of Lords, that ſometime ſince I came in upon this Diſcovery, I have not had two pence in my pocket, and ſometimes I have not had ſix pence: but a mans Poverty is no objection againſt his Honeſty.

L. *Stafford.* Where is *Ellen Rigby* to prove, whether ſhe did not give him ſix pence? But then, *my Lords,* pray ask him whether he did not Swear at a former Tryal, he had ſpent ſix or ſeven hundred pounds more than he got?

L. H. Steward. Did you ſay at a former Tryal, you were five or ſix hundred pound out of purſe?

Dr. Oates. My Lords, I will ſatisfie this Houſe what I ſaid; what folks write after me, I am not to juſtifie. But, *my Lords,* I had a friend of mine preſented me with 100 *l.* I name not his Name; but if that be queſtioned, he is a Peer of this Houſe, and will juſtifie it. I had 100 *l.* for my Narrative. I had 100 *l.* for taking ſome Jeſuits; which is 300 *l.* I had for ſome other Copies that I printed, a matter of 50 or 60 *l.* And now I can make it appear, that as to thoſe Sums which I received in groſs, I have ſpent them all, and more in this Service, for I have none of the Money now by me.

L. *Stafford.* He makes out but 350 *l.* and he Swore he was out 700 *l.* but he does not Swear one true Tittle, nor is any whit to be believed.

Dr. Oates. If you expect I ſhould prove it, I can prove it now.

Managers. Be quiet, Dr. *Oates,* we will do you right anon.

L. *Stafford. My Lords,* I do not know for the preſent that I have any thing elſe to trouble *your Lordſhips* with. I remember theſe Gentlemen when I asked them if they had any more Evidence to give in, ſaid No, unleſs I ſhould give them ſome occaſion; and now I deſire *your Lordſhips,* if they bring any new Evidence, that I may have time to anſwer it.

L. H. Stew. God forbid but you ſhould have liberty to anſwer any Objection.

Sir *W. Jones. My Lords,* Before we go about to ſum up our Evidence, we ſhall have occaſion to call ſome Witneſſes, and that will be to fortifie what our Witneſſes have ſaid, to diſcover what kind of Witneſſes have been made uſe of againſt them, and to falſifie what my Lords Witneſſes have ſaid in ſome particulars. Theſe will be the three Heads for which we deſire to call Witneſſes. And becauſe (*my Lords*) we will not trouble you with making one intire Narration of what they can ſay, or to what purpoſe we call them before they come, we deſire the favour that we may acquaint *your Lordſhips* with it, ſtill as we call them; for that we think will be the way more clearly to be underſtood. *My Lords,* we ſhall begin to make good by other Witneſſes, ſome things ſaid by Mr.

Mr. *Dugdale*, (for he was our first Witness, and therefore in order of time we will first begin with him.) *My Lords*, the Prisoner at the Bar was pleased to object---

L. *Stafford*. *My Lords*, I would not interrupt him; but I would ask whether there were more than two heads that he proceeds upon to fortifie their own Evidence, and to falsifie mine.

Sir *Will. Jones*. *My Lords*, I think we may comprehend all under those two heads: But, *my Lords*, you observe, one great matter my Lord did insist upon yesterday, was this, That he, it is true, hath seen Mr. *Dugdale* at my Lord *Aston*'s (though by the way I must say this, my Lord at the first did not seem to know him.)----

L. *Stafford*. I did not know him in his Perriwig.

L. H. Steward. Do not interrupt them, my Lord, for they must have the same liberty that you had, to go on without interruption.

Sir *Will. Jones*. We must have the same freedom my Lord had. I will do his Lordship that right, he did afterwards recollect himself, and say, His Perriwig had made that alteration in him, that he did not know him. But my Lord was also pleased to say yesterday, That though he did know him, yet he looked upon him as so mean and inconsiderable a fellow, that he did purposely avoid all discourse with him; and that sometimes when he was a dry at my Lord *Aston*'s, he would not speak to him to help him, nor to call one to help him to drink. My Lord was pleased yesterday also to deny that ever he had any Converse with him but onely that one time, when indeed Mr. *Dugdale* did desire to make use of my Lord, that by his interposition he might have leave to go to the Foot-Race. *My Lords*, *you Lordships* very well perceive we are now going about to prove a matter mostly arising within my Lord *Aston*'s Family; and what Witnesses we shall have from thence, *your Lorships* may easily imagine will not be very favourable to us: And if we have not many to this point, *your Lordships* will take into consideration, that those who can give the fullest proof here, must be those of the Family, and the Religion of the Family. But, *my Lords*, we will call one or two that I believe will give you satisfaction that my Lord the Prisoner was no such stranger to Mr. *Dugdale*; that they have been seen together, and alone together; and that is the first thing we desire to call Witnesses to. Call Mr. *Ansell* and *William Hanson*.

Mr. Hanson *was sworn*.

L. H. Steward. Where do you live? Whose Servant are you?

Mr. *Hanson*. At *Wilnal* in *Staffordshire*.

L. H. Steward. What do you ask him?

Sir *Will. Jones*. I desire, if you be satisfied where he lives, that he will tell you whether he hath been at my Lord *Aston*'s, and seen my Lord *Stafford* there.

L. H. Steward. Have you seen my Lord *Stafford* at my Lord *Aston*'s?

Mr. *Hanson*. Yes, *my Lords*.

L. H. Steward. When?

Mr. *Hanson*. A little above two years ago.

L. *Stafford*. Be pleased he may name the time positively.

Sir *Will. Jones*. My Lord *Stafford* is not so well versed in Prosecutions of this nature, as to know that he is not to interrupt us while we are examining our Witnesses.

L. H. Steward. My Lord, your Lordship received no interruption, nor must give none.

Sir *Will. Jones*. *My Lords*, we desire this Witness may be asked, whether or no he hath seen Mr. *Dugdale* and my Lord *Stafford* at any time together.

L. H. Steward. What say you?

Mr. *Hanson*. Yes, *my Lords*.

L. H. Steward. When, and where?

Mr.

Mr. *Hanſon.* I cannot juſtly tell the time.

L. H. Steward. Can you tell the place?

Mr. *Hanſon.* Yes; at my Lord *Aſton*'s.

L. H. Steward. Whereabouts?

Mr. *Hanſon.* In my Lord *Aſton*'s Parlour.

L. H. Steward. And were they alone?

Mr. *Hanſon.* Mr. *Dugdale* fetched me to my Lord *Stafford.*

L. H. Steward. And was no body in the Parlour when *Dugdale* fetched you to my Lord?

Mr. *Hanſon.* No, *my Lords,* I think there was not.

L. *Stafford.* He thinks there was not.

Mr. *Hanſon.* There was not, to my beſt remembrance.

Sir *Will. Jones. My Lords,* will you be pleaſed to ask him the Occaſion why *Dugdale* fetched him to him?

Mr. *Hanſon.* My Lord had a mind to have a Boy.

L. H. Steward. What was the Occaſion that *Dugdale* did come to fetch you to my Lord *Stafford* in the Parlour?

Mr. *Hanſon.* To bring the Boy, *my Lords, Tong Hawkins.* Mr. *Dugdale* fetched me and the Boy to him; it was a Boy that my Lord would have to live with him.

Sir *Will. Jones.* Can you tell what time of the year it was? whether Winter or Summer, as neer as you can?

L. H. Steward. Aye, what time of the year was it?

Mr. *Hanſon.* Indeed, *my Lords,* I cannot tell.

Sir *Will. Jones.* I deſire to ask him, whether, when he went away, he left them together?

L. H. Steward. Did you leave them together?

Mr. *Hanſon.* To my beſt remembrance, *my Lords,* I did. The Boy and I went away together, and we left them at my Lord *Aſton*'s Parlour-door.

Sir *Will. Jones.* Call *James Anſel.*

L. H. Steward. Nay, if you have done with him, my Lord *Stafford* may ask him any Queſtions.

L. *Stafford. My Lords,* I ſhall tell you how this thing is. There was a Report that this *Hawkins* was a very good running Foot-boy; and this was ſpoken of at my Lord *Aſton*'s at Dinner or Supper, I don't know which, nay ſeveral times about that time; it was when my Lord of *Danby* was Treaſurer, and his Son my Lord *Dunblain* was much for Foot-matches, and I had a minde to have a Foot-boy to make a Match with him; and I believe *Dugdale* at Dinner or Supper did ſay that he was a good running Lad, and I might deſire to ſee him, and *Dugdale* did bring him to me I believe into my Lord *Aſton*'s Parlour; but there was at leaſt ſix or ſeven in the Room beſides.

L. H. Steward. My Lord *Stafford,* Was this at that time when your Lordſhip was at *Tixal* the 12th of *September*?

L. *Stafford.* Pray, *my Lords,* I deſire to ask him that Queſtion; I would know what year it was.

L. H. Steward. He ſays it was above two years ago.

L. *Stafford.* I profeſs I believe it was one or two years before I was taxed with this Plot. I did never think I ſhould be queſtioned about this, or I could eaſily have brought Witneſſes that were by at that time. It is true, he did come to me, but pray what time of day was it?

Mr. *Hanſon.* In the morning I think it was.

L. *Stafford.* I profeſs to God, it was after Supper; as I hope to be ſaved, it was as we were going to Bed, to the beſt of my remembrance.

Sir *Will. Jones.* Did you come into the Parlour after Supper?

Mr. *Hanſon.* I am not ſure what time it was.

Sir

Sir *Will. Jones.* If his Lordſhip pleaſe to ask him any more Queſtions, if not, we will call another. *James Anſell.* (*who was ſworn.*)

L. H. Steward. What is your Name?

Witneſs. James Anſell.

L. H. Steward. Where do you live?

Mr. *Anſell.* At *Heywood* in *Staffordſhire.*

L. H. Steward. Did you live with my Lord *Aſton?*

Mr. *Anſell.* I have been at my Lords houſe at *Tixal.*

L. H. Steward. But you are not of the Family?

Mr. *Anſell.* No.

L. H. Steward. How far is *Heywood* from *Tixal?*

Mr. *Anſell.* A mile.

L. H. Steward. Have you ſeen my Lord *Stafford* at *Tixal?*

Mr. *Anſell.* I have ſeen a man they called my Lord *Stafford.* I did not know him, but as they told me.

L. H. Steward. Did you ever ſee *Dugdale* in the company of a man they called my Lord *Stafford?*

Mr. *Anſell.* Two years ago I was at *Tixal,* and there I ſaw one that they ſaid was my Lord *Stafford* walking with Mr. *Dugdale,* whom I did know.

L. H. Steward. Where was it?

Mr. *Anſell.* In the Court at *Tixal,* walking together.

L. H. Steward. Were they alone? Was there no body elſe in company?

Mr. *Anſell.* None that I ſaw; there might be more company, but I ſaw no more.

Sir *Will. Jones.* Pray, *my Lords,* ask how long ago this was.

Mr. *Anſell.* About Summer was two years.

Sir *Will. Jones.* If his Lordſhip will ask him any Queſtions now we have done, he may; otherwiſe we will call another.

L. *Stafford. My Lords,* I have recollected my ſelf as well as I can in ſo ſhort a time, and all I can ſay is, Some of my Servants were by, I ſuppoſe; and I do aſſure *your Lordſhips,* the other buſineſs was above three years ago; ſo the fellow does not know what he does ſay.

L. H. Steward. Will you ask him any Queſtions?

L. *Stafford.* Pray ask him how long he ſaw me in the Court with *Dugdale.*

L. H. Steward. How long was it?

Mr. *Anſell.* I cannot tell. I did but walk through the Court: I came to ſpeak with Mr. *Dugdale,* and he was with my Lord.

L. *Stafford.* Did he hear us diſcourſe, or any word we ſaid?

Mr. *Anſell.* No, I did not.

Sir *Will. Jones. My Lords,* if you pleaſe, before *Anſell* go away, we would ask him a Queſtion to another point; and that is, For what reaſon *Dugdale* was ſecured, whether he went away for Debt or no?

L. H. Steward. Do you know wherefore *Dugdale* was ſecured, or why he went from my Lord *Aſtons?*

Mr. *Anſell.* I can't tell why he went away; whether for fear of the Plot or no, I can't tell.

Sir *Will. Jones.* What diſcourſe was between you and *Dugdale* about it?

Mr. *Anſell.* Where? There was a diſcourſe at *Stafford* when he was there.

Sir *Will. Jones.* But before he went away?

Mr. *Anſell.* I came to my Lord *Aſton's* one day, and told Mr. *Dugdale* I heard ſay he was concerned in the Plot; for I told him I was amongſt ſome people, and they ſay you are concerned in the Plot. And this was about a fortnight after the News was hot in our Country.

L. H. Steward. What ſaid he?

Mr. *Anſell.* He laughed at it, and ſaid, God blaſt him if he knew any thing of it.

L. *Stafford.* So he denied it then.

Sir *Will. Jones.* Pray, Sir, at that time did he say he knew any thing about my Lord *Aſton*, and why my Lord *Aſton* did uſe him ill?

Then my Lord Stafford *objected Mr.* Dugdale *was too neer the Witneſs, and deſired he might go down; and it was ordered accordingly.*

Sir *Fran. Win. My Lords*, we would ask this man what does he know of *Dugdale's* concealing himſelf after he had heard of the diſcourſe about the Plot.

Mr. *Anſell.* I know not that, *my Lords*; he was fearful of coming in company: what his diſcourſe was, I do not know.

Sir *Will. Jones. My Lords*, now if it pleaſe *your Lordſhips*, we will go to another particular. *Your Lordſhips* will pleaſe to remember, that yeſterday there were two Witneſſes called by my Lord *Stafford*, that is *Sambidge* and *Philips*; *Sambidge* was the old Gentleman that was deaf, and a little paſſionate too, becauſe he was once ſummoned to *Litchfield*-Court. Mr. *Philips* was the Miniſter of *Tixal*. And both theſe did teſtifie, That whereas Mr. *Dugdale* had ſworn at a former Tryal, that he did give notice before them of the death of Sir *Edmondbury Godfrey* upon Monday, which (as I take it) was the 14th of *October*, there was no ſuch notice given in their preſence. Mr. *Dugdale* did affirm, they were by, and that he gave notice before them and others. This was made uſe of by my Lord to invalidate the Teſtimony of Mr. *Dugdale*, that he ſhould go and affirm at a former Tryal, that he did give notice of the death of Sir *Edmondbury Godfrey* within two days after he was killed, before any one knew of it; and *Dugdale* muſt needs know it from the Jeſuits: and both of theſe Gentlemen being now in Court, do deny that they heard of it at that time. *My Lords*, we ſhall prove to you here, that he did give notice of it at that time, and that they were both preſent. For Mr. *Sambidge*, it is not ſo ſtrange he ſhould not obſerve it, he was very deaf, and he could hardly hear yeſterday; and as he was deaf, ſo he was very paſſionate. As for Mr. *Philips*, I cannot ſay that as to him, but perhaps he cannot at that diſtance of time remember; but we will prove by undeniable Witneſſes, that notice was given that Monday, and that theſe perſons were by when it was given.

Sir *Fran. Win.* This Witneſs we uſe to another purpoſe beſides this; but we will ask him onely to this now.

L. *Stafford.* I deſire the Witneſſes may ſtand by themſelves.

L. *H. Steward.* Let them take care that there be but one Witneſs at a time, and that no body approach them while they are giving their Teſtimony.

Sir *Will. Jones.* We did not make the like deſire as to my Lords Witneſſes.

L. *Stafford.* In troth you might with all my heart, if you would.

Sir *Will. Jones.* It may be ſo; but we did not fear them ſo much. Swear *William Goldſmith.* (*which was done.*)

Sir *Will. Jones.* I would begin with *James Anſell.* (*who appeared and ſtood up again.*)

Sir *Fran. Win.* If *your Lordſhips* pleaſe, we would ask him what he knows of a diſcourſe about the Juſtice of Peace's death; to tell the time, and what it was that was ſaid. We onely ask general Queſtions.

L. H. Steward. What diſcourſe did you hear of the Murder of a Juſtice of Peace, and when?

Mr. *Anſel. My Lords*, I heard it at *Tixal.*

L. H. Steward. When did you hear it firſt?

Mr. *Anſell.* The 14th of *October.*

L. H. Steward. Who did you hear it from?

Mr. *Anſell.* From Mr. *Dugdale.*

L. H. Steward. The Letter was dated the 12th. Where did you hear of it?

Mr.

Mr. Anſell. It was at one *Elds* Houſe, an Alehouſe in *Tixal.*

L. H. Steward. Where?

Mr. Anſell. At an Alehouſe hard by my Lord's.

L. H. Steward. Who was by?

Mr. Anſell. When that was ſpoken, there was I, and *William Hanſon*, and Mr. *Sambidge*, and Mr. *Philips.*

L. H. Steward. Did *Dugdale* ſpeak with them at that time?

Mr. Anſell. Yes, he was with them at that time, but he ſpoke with me at the Parlor; for he ſent for me into the Parlor.

L. H. Steward. Then at the ſame time he ſpake it to you, and they were in the Houſe.

Mr. Anſell. Yes, he came from them to me into the Parlor, and went to them again.

Sir *W. Jones.* *My Lords*, I hear him ſpeak to the day of the Moneth; if you pleaſe to ask him, if he can tell what day of the Week it was?

Mr. Anſell. It was on a *Munday.*

L. H. Steward. That is right, the Letter was dated on *Saturday* the 12th of *October.*

Sir *Fr. Win.* I would ask him, whether afterwards he came into the Room where Mr. *Philips* the Parſon was?

Mr. Anſell. Yes.

Sir *Fr. Win.* Was there any diſcourſe after you came in, about the Death of a Juſtice of Peace?

Mr. Anſell. I cannot tell that.

L. H. Steward. Will you pleaſe to ask him any thing, my Lord?

L. Stafford. Indeed, *My Lords*, he ſays nothing concerning me; therefore I ſay only this, I deſire to know, if he can tell, what time of day it was?

Mr. Anſell. It was the Forenoon.

Sir *W. Jones.* Then call *Will. Hanſon* again. (*Who appeared.*)

Sir *Fr. Win.* We call him to the ſame Queſtion. Do you declare to *My Lords*, what you know of Mr. *Dugdale's* acquainting you with the Death of a Juſtice of a Peace, and when it was.

Mr. Hanſon. I heard Mr. *Dugdale* ſay at Old *Elds* houſe at *Tixal*, There was a Juſtice of Peace murdered, that lived at *Weſtminſter.*

L. H. Steward. When did he tell you ſo?

Mr. Hanſon. The day that I went to run the Race, the 14th of *October.*

Sir *Fr. Win.* Can you remember what day of the Week it was?

Mr. Hanſon. It was *Munday.*

L. H. Steward. Was it the Forenoon, or Afternoon?

Mr. Hanſon. The Forenoon.

L. H. Steward. What company was in the houſe when he told you of it?

Mr. Hanſon. Old *Mr. Sambidge*, and *Mr. Philips* the Parſon of *Tixall.*

L. H. Steward. Were they in the Houſe at that time?

Mr. Hanſon. Yes.

L. H. Steward. Were they by when the diſcourſe was?

Mr. Hanſon. *Mr. Sambidge* was going to drink a Bottle of Ale, as he ſaid, at my Lord's Bowling-Green; and for a while he ſits down, and preſently *Mr. Philips* comes in and ſits down, and *Mr. Dugdale* came out of the Parlour into the Room where we were come; ſaid I, What News? ſaid he, They ſay there is a Juſtice of Peace murdered at *Weſtminſter.*

Sir *Fran. Win.* Was *Philips* in the Room?

Mr. Hanſon. Yes, he hath forgot it, but he was there.

L. H. Steward. Did *Philips* hear it?

Mr. Hanſon. He might have heard it if he would.

L. H. Steward. Had you any diſcourſe with *Philips* about this ſince?

Mr. Hanſon. No, *my Lords.*

Sir

Sir *Fran. Win.* He is positive both as to the day of the Month, and as to the week, and that both of them were present.

Sir *W. Jones. My Lords,* We shall prove to you now, That the Post which comes out of *London* on Saturday, comes to this place on Munday-morning; and those which come out of Tuesday, come there on Thursday-morning; and the Post which goes out of *London* on Thursday, comes to this place on Saturday-morning.

L. *Stafford.* He says the Post comes such and such days, I own it, and in the morning too.

Sir *W. Jones.* Then I go on, *my Lords,* to another point, which will be a farther Confirmation of the matter. For, *my Lords,* we will prove to you, and that by men of Quality, that the noise of the Murder was in that Countrey, the Wednesday and Thursday following the Murder. *Your Lordships* please to observe, Sir *Edmondbury Godfrey* was killed the Twelfth of *October*; he was found the Thursday following, which was, (as I take it) the 16th or 17th of *October.* We will prove now, that the noise and knowledge of the Murder was in the Countrey about *Tixal,* before he was found here near *London.* Now we only bring this as a Confirmation of this matter, that it was revealed at the Alehouse, and so it went about the Countrey. And for this we call *Edward Birch* Esquire, and *John Turton* Esquire.

Sir *Fran. Win.* Before we examine them, I would state the time: Sir *Edmondbury Godfrey* was missing on Saturday, which was the 12th of *October*; his Murder was not discovered till Thursday. We call these persons to a double purpose; the one to fortifie what our Witnesses have said, and the other to shew, that this man was dispatched by these Mens Confederates, because they knew it so soon; which could not have been, but that they were in the Conspiracy themselves.

L. *Stafford.* I desire onely that he may say whether he means me among the rest.

Sir *Fran. Win.* My Lord, I will do you no wrong, I speak of those at *Tixal.*

(*Then Mr.* Birch *was Sworn.*)

L. H. Steward. When did you hear of the death of Sir *Edmondbury Godfrey,* Mr. *Birch?*

Mr. Birch. My Lords, I did not hear any thing of the death of Sir *Edmondbury Godfrey,* till the Saturday Post; but I presume that which these Gentlemen call me for, is this: I did hear before Thursday, I think Tuesday was the first day, that there was a Justice of Peace of *Middlesex* killed, and it was thought the Papists Murdered him; and this on Tuesday and Wednesday was all over the Countrey, that is, Tuesday after his death: for I'le tell *your Lordships* how I came to take notice of it; for hearing such a report in the Countrey, I did not so much take notice of it, but being at the Kings Bench Bar, at the Tryal *Green, Berry,* and *Hill,* for the Murder of Sir *Edmondbury Godfrey,* I found upon the Evidence that the Body was not found till the Thursday after he was killed; that made me recollect my self as to what I had heard in the Countrey: and as I stood at the Bar, I told several Gentlemen that I did perfectly remember, before Thursday it was discoursed of in the Countrey by several Gentlemen where I lived.

Sir *W. Jones.* Call *John Turton* Esquire.

Sir *Fran. Win.* Some of *my Lords* here I perceive desire he should be asked a more particular Question.

L. H Steward. I desire to ask him this: You heard of it you say on Tuesday, that a Justice of Peace of *Middlesex* was killed; I desire to know who you heard it from.

Mr. Birch. Truly, *my Lords,* I can't tell. For I'le tell *your Lordships,* I have some certain days that I constantly appoint to be at home in, when people come

come about buſineſs to me. Among theſe people, ſeveral came that asked me what news I had from *London*. I told them, I had received a Letter or two by the Poſt, and I ſhewed them thoſe Letters, there was little or nothing in them. Thereupon they asked me if I did not hear of a Juſtice of *Middleſex* that was killed. No, ſaid I. How come you to hear it, ſays one, I come through *Cank*, (which is within half a mile of mine own houſe) and as I came through, there came a perſon from *Heywood*, that ſaid 'tis all the news about *Tixal* and *Heywood*, and that part of the Countrey. And this was ſaid to me in my own Houſe.

Sir *Fran. Win.* How far is *Heywood* from *Tixal*?

Mr. Birch. About a mile.

Sir *Fran. Win.* Now, *my Lords*, I would ask Mr. *Turton* to the ſame buſineſs.

(*Mr.* Turton *was Sworn.*)

L. H. Steward. Mr. *Turton*, pray hear: When did you firſt hear in *Staffordſhire* of the death of a Juſtice of Peace of *Middleſex*?

Mr. Turton. My Lords, there are two Races in that Countrey, at a place near *Lichfield*, and they are about the middle of *October*; the one that year was the 15th, the other the 18th; the one the Tueſday, & the other the Friday. I was at both of them; and one of the days, which I cannot be poſitive in, there was one Mr. *Whitehall*, a Juſtice of Peace in *Staffordſhire*, called me from the company, and deſired to ſpeak with me by my ſelf. Said he, Do you hear any news? No, ſaid I. Do you hear nothing, ſaid he, of a Juſtice of peace that is Murdered? (I then had not heard of Sir *Edmondbury Godfreys* being miſſing.) No, ſays he, don't you hear he is Murdered? Do you know him? Yes, ſaid I. How do you hear it, ſays he, 'tis a report about us, but I did not then believe it, but the next Poſt-day, which was Munday, I did hear it; it was either Tueſday or Friday, one of thoſe days.

Sir *W. Jones.* If it were either one or t'other, 'tis as ſtrange, and the Evidence as ſtrong; for his Body was not found till Thurſday.

Sir *Fran. Win.* And will *your Lordſhips* pleaſe to obſerve, that by that time the report had got the name of *Godfrey* too, when at that ſame time we in *London* did not know what was become of him.

Mr. Turton. He asked me if I knew Sir *Edmondbury Godfrey*: ſaid he, I hear he was an active Juſtice of the Peace againſt the Papiſts; and he made this inference, We had need have a care what we do, for we ſhall be all ſacrificed.

Sir *W. Jones. My Lords*, will *your Lordſhips* be pleaſed to obſerve, that yeſterday there was ſome Witneſſes called to diſparage Mr. *Dugdale*. And the firſt man as I can remember, was a very ſubſtantial Gentleman, called Mr. *Robinſon*; I think he was not able to give an account of his Employment, but he was a Gentleman that lived upon his Money; I remember thoſe were his words. *My Lords*, we ſhall call (without telling you what they will ſay) ſome Witneſſes to prove the Condition of this Gentleman, what Reputation he is of, and what is his Converſation. And we firſt call my Lady *Gerard*.

L. *Stafford. My Lords*, pray give me leave to ſay one word,----but 'tis no great matter, 'tis not worth the ſpeaking.

L. H. Steward. What can you ſay, my Lord?

L. *Stafford.* It was onely a thought of my own, not worth troubling *your Lordſhips* with.

(*Then the Lady* Gerard *appeared, and was Sworn.*)

L. H. Steward. Does your Ladyſhip know one *William Robinſon*?

Lady *Gerard.* No, *my Lords.*

Sir *W. Jones.* He hath ſeveral Names, we deſire he may be called.

L. H. Steward. Call *Robinſon* the Upholſterer. (*He was called but appeared not.*)

Sir *W. Jones.* I perceive we miſtake one Lady for another. We deſire Mr.

Booth, a Member of the Houſe of Commons, may be Sworn. (*Which was done in his place.*)

L. H. Steward. My Lord *Stafford*, ſend for *Robinſon* your Witneſs.

L. *Stafford.* I believe he is here; but if he be not, one that belongs to me I have ſent to ſee for him: whether he be a good or a bad Witneſs, I do not know perſonally.

Sir *W. Jones.* Mr. *Booth* knows him very well, he ſaw him yeſterday, and ſo we may venture to ask him the Queſtion.

L. H. Steward. Did you ſee *Robinſon* the Witneſs yeſterday?

Mr. Booth. Yes, *my Lords*, I did.

L. H. Steward. Do you know him?

Mr. Booth. My Lords, I do know him very well, though I have not ſeen him often: for indeed, *my Lords*, he behaved himſelf ſo the firſt time that I ſaw him, that I believe I ſhall never forget him. *My Lords*, I am better acquainted with his Character than his Perſon, though I know the man very well; and truly the firſt time that ever I was in his Company, he gave me no incouragement ever to deſire it again; for if you pleaſe, I'le tell you how I came to know him. He told *your Lordſhips* that he came into *Cheſhire* at a Cocking; it was at that time that I ſaw him, for upon the Sunday after the Cocking, I was invited to a Neighbours, about two miles from home. We were ſet down to Dinner, and we had not ſat long, but this man comes into the room where we were; there was an empty place at the lower end of the Table, and he ſits him down, and began a diſcourſe to ridicule the Lords day, in ſuch a manner as I never heard the like. And the reſt of his diſcourſe was full of a great deal of Contempt of God Almighty, and all that was Sacred. All his diſcourſe at Dinner was very prophane. It was not in mine own Houſe; and becauſe it was not taken notice of by the Maſter of the Houſe, and he coming under the protection of a young Gentleman, I did not what elſe I ſhould, for I ſhould have made him hold his tongue, or have uſed it to better purpoſe. The whole of his diſcourſe was ſo Atheiſtical and prophane, that I never heard the like in my life. When dinner was done, he uſed a great many inticements to draw the Company into play, by asking what would they ſay if they ſhould ſee ſuch and ſuch things to be done; and at length he pulls out a great many Dice out of his pocket, and behaves himſelf in that manner, as people do that would draw in others to play; and they that had better skill in it then I, ſaid that they were all falſe. When I ſaw this, I deſired him to leave our Room, or to forbear; for, ſaid I, if this be the entertainment of the day, I muſt leave the Company: then they commanded him to deſiſt. This is all that I do know of my own knowledge. But I ſhall acquaint you what I believe, for I have heard it from very conſiderable perſons, whom I dare credit; for the man run much in my mind, becauſe I never ſaw ſo ill a man in my life. Coming home, I was ſpeaking to ſome of my Family: ſays I, Yonder I met with the ſtrangeſt fellow that I ever ſaw in my days, he is fitter to be Hanged than any thing elſe. Oh, Sir, ſaid they, there is ſuch a fellow hath cheated I know not how many at the Town where the Cocking was. The next day, I think it was, or ſhortly after, I had occaſion to go to that Town; and many people came and complained to me of his Cheats, to a very great degree. They asked me what they ſhould do: ſaid I, You have nothing to do, but indite him for a Cheat. Why, ſaid they, will you take no courſe with him? Said I, What courſe can I take? I am turned out of the Commiſſion of the Peace, elſe I know enough to bind him to the good Behaviour. After this, I had occaſion to go into *Lancaſhire*, and there I found he was better known than truſted. There were very loud Complaints againſt him, and ſome would have given Twenty pound to meet with him. I heard afterwards, he went into *Staffordſhire*, and he changed his Name where ever he went; but he

he ſoon diſcovered himſelf; and all thereabouts he goes for a Notorious Cheat. This is all I can ſay of him.

Lord *Stafford*. *My Lords*, Be pleaſed to give me leave to ſay one word: I aſſure you, if I had thought this man had been ſuch a fellow as now he proves, I would not have brought him before you. I never knew what he was in my life, nor heard of his Name till Saturday laſt.

L. H. Steward. It may be ſo, my Lord. But your Lordſhip muſt take notice, this is the man that gave the moſt important Evidence, that *Dugdale* ſhould corrupt him to Swear againſt you for Money.

L. *Stafford*. Give me leave to obſerve upon that, *my Lords*, That if *Dugdale* knew him to be a cheating fellow, he might think him the liker to take Money to forſwear himſelf.

Sir *W. Jones*. *My Lords*, We ſhall not reply now, but obſerve anon, how this cheating fellow comes to Swear for my Lord at this time. But we deſire an Honourable Peer of this Houſe may give ſome account of him, and that is, the Noble Lord the Earl of *Maclesfeld*; I think he may be known to *your Lordſhips*.

Then the Earl of Maclesfeld *ſtood up.*

L. H. Steward. Pardon me, my good Lord, my Lord muſt be Sworn.

E. of Maclesfeld. Before I am Sworn, I would know of *your Lordſhips* whether I ſhould be Sworn or no; for your Lordſhip ſhall not make me be Sworn, unleſs *my Lords* ſay I ſhould.

L. H. Steward. I would not offer it, if there were any colour of doubt in it.

(Then my Lord was Sworn.)

E. of Maclesfeld. *My Lords*, I have nothing to ſay againſt this man, but what he ſaid to me, and before a Juſtice of Peace too; for I did take this man when he had run away from my Lord *Gerard*. He had cheated many of his Servants; I catched him on the way running to play his tricks ſomewhere elſe, and I intercepted him; but though I was a Juſtice of Peace there, yet becauſe it was in a manner my own caſe, I would not commit him, till I had carried him before another Juſtice of Peace. So the man comes up to me, ſays he, My Lord, have you a mind to have your Son-in-law bubbled? I have been only teaching him how to avoid being cheated: I acknowledge my ſelf to be a Cheat, and I would teach him to avoid them. I am going now into *Staffordſhire*, and that was all I intended to his Lordſhip. I am a Rogue, I confeſs it. And upon this a Juſtice of Peace comes in, and while they were examining of him, we bid ſome that were by to ſearch him, and they found in his pocket falſe Dice; and truely the Juſtice nor I did not know whether they were true or falſe. Says he, You don't know what to do with theſe, but I do. This is all I can ſay; but in all the Three Counties of *Staffordſhire*, *Cheſhire*, and *Lancaſhire*, there are ſeveral men that I ſee here, that know his Life better than I do; for 'tis his common practice: and I believe, *my Lords*, the Judges muſt know him, for it was his common practice at all Aſſizes and great Meetings to play theſe pranks.

Sir *W. Jones*. *My Lords*, we will not trouble *your Lordſhips* any further as to *Robinſon*: if he were here, perhaps my Lady would know him; but having two ſuch Witneſſes, I think we need not trouble ourſelves nor you any more about him.

L. H. Steward. Have you done with my Lady *Gerard*?

Sir *W. Jones*. Yes, and we beg her pardon for this trouble. *My Lords your Lordſhips* will be pleaſed to remember, there was one *Holt* was produced as a Witneſs by my Lord *Stafford*; and *your Lordſhips*, when you look on your Notes, will remember, he teſtified to this purpoſe, That *Dugdale* ſent an Horſe for him to *Stafford*-Town; which Horſe brought him to the *Star-Inne*, and there

there *Dugdale* did offer him Forty pounds to Swear, That one Mr. *Moor* carried away *Evers* the Jeſuit. *My Lords*, we will call ſome Witneſſes to this Mr. *Holt*; you will find him to be ſomething akin to Mr. *Robinſon*, and, as we ſuppoſe, of nothing a better Reputation than he. The Witneſſes will give you an accompt of his pranks. Call *Sampſon Rawlins* and *Lander*.

Rawlins *ſtood up, and was Sworn.*

L. H. Steward. What is your Name?

Witneſs. Sampſon Rawlins.

L. H. Steward. What do you ask him?

Sir *W. Jones.* We deſire to ask him if he knows *Samuel Holt* the Blackſmith.

L. H. Steward. Do you know *Holt*?

Rawlins. Yes.

Sir *Fran. Win.* Acquaint *my Lords* what Reputation he is of, where he lives, and what he is.

Rawlins. He is counted to be a very lewd looſe fellow.

L. H. Steward. Why ſo?

Sir *W. Jones.* What hath he done?

Rawlins. He is counted a drunken lewd fellow.

Sir *W. Jones.* Is he of an ill Reputation in the Countrey where he lives?

Rawlins. Yes, he is ſo.

L. H. Steward. For what?

Rawlins. 'Tis ſaid in the Town he keeps another mans wife.

Sir *W. Jones.* Is there any other fault he hath?

Rawlins. He ſaid there were none but Rogues would take Mr. *Dugdales* part; whereas I never knew any harm by Mr. *Dugdale*, and I have known him this fourteen or fifteen years: I dealt with him, I was Taylor to the Family, and he ever paid me very honeſtly and well.

Sir *W. Jones.* Have you heard of Mr. *Holt* any other ill thing beſides what you ſpeak of?

Rawlins. He broke open my Lord *Aſtons* Wine-celler, and ſtole ſeveral bottles of Wine; wherefore my Lord *Aſton* bid Mr. *Dugdale* ſend him to the Goale: but he curryed favour with Mr. *Dugdale*, and ſo kept in with him, that he afterwards begged for him of my Lord to forgive him. And now he comes to evidence againſt Mr. *Dugdale*, that was his ſure ſtedfaſt friend, and ſaved him from the Goale. *So did Dugdale to Mr Colledge.*

L. *Stafford.* I would ask this Witneſs a Queſtion.--------

Rawlins. And becauſe I took Mr. *Dugdales* part, ſaying, he was an honeſt man, (and he was ſo to me and all others, as far as ever I heard) he met me and would have Murdered me.

L. H. Steward. When was this?

Rawlins. Since laſt Term, when I was up here. And likewiſe *Sawyer* took a pot, and would have dong'd my brains out.

Sir *Fran. Win. My Lords*, I think this man was Summoned as a Witneſs, to attend at my Lord *Aſton*'s Tryal. What occaſion brought you to *London* at that time?

Rawlins. I was ſubpœna'd up. And when I came home to my Wife and Children, they groſly abuſed me, and ſaid I was a Rogue, becauſe I came up upon His Majeſties Service.

L. *Stafford.* Pray *my Lords* ask him whether *Holt* was my Lord *Aſtons* Servant or no.

L. H. Steward. Was *Holt* a Servant to my Lord *Aſton*?

Rawlins. He was a Smith hard by his gate, and he worked to the Family.

L. H. Steward. Were you Subpœna'd up to the Tryal of my Lord *Aſton*?

Rawlins. Yes.

L. H. Steward. And it was for coming to that Tryal he offered to murder you?

Rawlins. Yes, I have ſeveral Witneſſes of it. And by the blow that *Thomas Sawyer* gave me, for a good while I could not lay my head on the Pillow.

Sir *William Jones.* Call *Thomas Launder*, (but he did not appear, being gone away ſick.)

Sir *William Jones.* Becauſe we would not loſe *your Lordſhips* time, ſeeing the man we call for, is gone away ſick, we will call a Witneſs as to another of my Lords Witneſſes, *John Morral.* Call *Thomas Thorne.*

(*Who was ſworn.*)

Sir *Fran. Winnington. My Lords*, If that other man come by and by, we hope *your Lordſhips* will give us leave to ask him a Queſtion, to the point which we are now gone over. But my Lord *Stafford* did produce one *John Morrall* a Barber that lived at *Ridgley*, who ſaid, that money was offered him to ſwear againſt Sir *James Symons*, and Mr. *Howard*, and others. We call this Witneſs to give *your Lordſhips* an account what this *Morrall* is, and how he hath behaved himſelf in this buſineſs.

Sir *William Jones.* What do you ſay about *John Morrall?* Do you know him?

Thorne. Yes.

L. H. Steward. What do you know of him?

Thorne. I know he is a man that uſed to come often to my Lord *Aſton's* to *Tixall*, to trim him, he is a poor Fellow that walks up and down the Country, and hath little or nothing to live on.

L. H. Steward. Is he poor and needy?

Thorne. Yes, he hath been ſued for money, and I have been contributory to keep him out of Priſon.

Sir *William Jones.* I ask you in general, is he of a good or bad Reputation?

Thorne. Indifferent.

Sir *William Jones.* 'Tis modeſtly ſaid. *My Lords*, your Lordſhips have heard what kind of Witneſſes have been brought againſt us. For two of them, you have had particular matters; for a third, our Witneſs ſpeaks modeſtly, that he is a man of indifferent Reputation. But now, *My Lords*, we muſt prove what endeavours have been uſed to get other Witneſſes againſt our Witneſſes; and for that, I deſire to call one *Simon Wright*, to tell *your Lordſhips* what hath been offered him to ſwear againſt *Dugdale*, and by whom. [Wright *ſtood up, and was ſworn.*

Mr. *Foley. My Lords*, We deſire this Witneſs would give *your Lordſhips* ſome account, what endeavours have been uſed by offers of money, or otherwiſe, to make him ſwear againſt *Dugdale*, and by whom.

L. H. Steward. Hath any body endeavoured to perſwade you to ſwear againſt *Dugdale?*

Wright. Yes, *My Lords.*

L. H. Steward. Tell your whole ſtory, who it was, and what was offered you.

Wright. The firſt time I was employed was preſently after the Murder of Sir *Edmundbury Godfrey*; and it was by one Mr. *Pleſſington*, that was in cuſtody about that matter. And he ſent me one *Sunday* morning, to the Marqueſs of *Wincheſters*, to deſire him, to conſider what a charge he lay at. And my Lord did ſend him word, he could not expect to be diſcharged ſo ſoon. The *Tueſday* after he was diſcharged. And afterwards coming unto me, I told him, I was glad he had ſo good friends to get out ſo ſoon. He told me, were I in the ſame condition, I ſhould have as good or better. Whereupon Mr. *Pleſſington* and I were as good friends as any about the

Town. I was his Barber, and Barber to Mr. *Dugdale*, and we were all great Cronies. And *Pleſſington* told me, if I could find a way to take off his Evidence, or deſtroy him, I ſhould have Seven Hundred Pounds. I went to inquire out where I might have a ſecurity for the Money. And Mr. *Reeves*, an Apothecary in *Chancery-lane*, did profer me his Note, and ſo did Mr. *Dewy* the Scrivener. But I did not, nor had the Money. And ſeveral times, particularly at the Tryal of Mrs. *Price*, and Mr. *Tasborough*, they would have had me ſworn quite blank, That he would have hired me to have ſworn againſt them. And afterwards they would have had me own I was forſworn, and they would get me a Pardon.

L. H. Steward. What had you ſworn?

Wright. What I heard Mrs. *Price* ſay at the *Horſe-ſhoe* in *Chancery-lane*, as to the blaſting of *Dugdale*, as may be ſeen in the Tryal.

L. H. Steward. Who offered you that Seven Hundred Pounds?

Wright. My Lord *Belaſis*'s Steward.

L. H. Steward. What is his Name?

Wright. Pleſſington.

Sir *Fran. Winnington. My Lords*, I think he ſays he was to ſwear againſt Mr. *Dugdale*, I deſire he would explain himſelf more particularly, and tell who it was that offered him any Money to ſwear againſt *Dugdale?*

Wright. Mr. *Pleſſington*, *My Lords.* And ſince the Tryal of Mrs. *Price*, they did perſwade me to write a Paper for the blaſting the reputation of *Dugdale*, and to ſhake his credit by it. And that they carried to Mr. *Drayton*, and Sir *James Symons*, and they being ſatisfyed, would have me write again to thoſe Gentlemen, and they framed a Letter for me to write. And thereupon Mr. *Longmore* (I know the Gentleman if I ſee him again) told me that Sir *James Symons* was better able to perform, than *Dugdale* was to promiſe; and if I would ſtand by it, I ſhould be an happy man.

L. H. Steward. What had you ſaid in that Paper?

Wright. I had ſaid according as they directed me, That Mr. *Dugdale* would have given me Mony to ſwear againſt Sir *James Symons*, and Mr. *Gerard.*

L. H. Steward. Did you ſwear that?

Wright. No, I did not, but I was to have done it.

L. H. Steward. How came it to paſs you did not agree with them?

Wright. My Lords, I have had four pounds in hand, and that I had by reaſon poverty came upon me. And my Lord *Belaſis*'s Steward came and lay with me, and ſpent twenty ſhillings upon me; but finding that I was not abſolutely true to them, nor like to go through, they diſtruſted me; and I borrowed an Horſe of Captain *Chetwin*, and got down into the Country, where I have been ſince *July* laſt, ttil I was fetch'd up by a Meſſenger to come and give Evidence for the King. And there I received a Letter from my Lord *Aſton*'s Agent, That if I would call at *Stafford* and come up with my Lords Witneſſes they would bear my charges up to *London.* I have the Letter in my Pocket.

Lord *Stafford.* If it pleaſe you, he may ſhew the Letter, (*which he did.*)

Clerke. This for Symon Wright, *a Barber at* *deliver with care.*
Subſcribed, *Your Loving Friend* Abnett.

Symon Wright,

I *Have juſt now received a Letter from the Lord* Stafford, *wherein my Lord mentioned* Wright *to be one of his Witneſſes, and deſired me forthwith, to give* Wright *notice, that if poſſible, he ſhould be at* London *on the* Saturday *night next, his Tryal being to be on the* Tueſday *after; therefore if he pleaſed to come to him, he ſhould give him Money to bear his charges up, and he ſhould come up with my Lords Witneſſes.*

Abnett.

(This is the ſubſtance of the Letter as it was taken.)

Sir *Will. Jones.*

Sir *William Jones.* I preſume *your Lordſhips* will be pleaſed to take notice, he was intended a Witneſs for my Lord, and it was ſuppoſed then that he was able to ſay ſomething, but he was not produced by my Lord yeſterday.

Lord *Stafford.* Pray, *My Lords*, give me leave, as to this Witneſs, I deſire, if you pleaſe, I may have time to prove ſomething againſt this man till to morning. I have enough againſt him.

Mr. Serj. *Maynard.* You will find another Witneſs, I ſuppoſe, by that time.

Lord *Stafford.* No, I will not find him, I have him already, I have enough againſt this Fellow.

L. H. Steward. You ſhall have time to ſay what you will, my Lord.

Mr. Serj. *Maynard.* I would my Lord would name his Witneſs.

Lord *Stafford.* I will name him to you ſince you ask it, 'tis *Dodd*, he knows what I mean well enough.

Wright. I don't know him, my Lord, I'll aſſure you.

Sir *William Jones. My Lords*, We will go on now to another matter. My Lord *Stafford* was pleaſed to object, That Mr. *Dugdale* did talk much of Letters, and proceedings, but was able to ſhew none of them. *My Lords*, We will give an account how that comes about. Mr. *Dugdale* as in part hath been proved already, was apprehenſive of being accuſed for the Plot; nay I think we ſhall prove, he was afraid he had been in the Proclamation againſt thoſe Traitors and Jeſuits that were fled; We ſhall prove, that Mr. *Dugdale* to ſecure himſelf, and his then friends (for he was not then come over to make any diſcovery) did burn a great many Letters and Papers that did relate to thoſe proceedings, and did not leave any thing remaining, hoping thereby to prevent a diſcovery. We will call Witneſſes that were by when it was done, and I think that will be ſome anſwer to this objection. Call *Elizabeth Eld*, and *Anne Eld.*

Elizabeth Eld *ſworn.*

Sir *Francis Winnington. My Lords*, if *your Lordſhips* pleaſe, we would ask her this general Queſtion, What ſhe knows of Mr. *Dugdale*'s burning a great many Letters and Papers, at what place, and about what time.

Elizabeth Eld. I cannot poſſibly ſay to the time, I burnt ſome Writings for him when he went away, he deſired me to burn them, he did not tell me what writings they were. He ſaid, the times were troubleſome, and if he ſhould be ſick upon the Road where he was going, he would not have all his Papers ſeen, but he deſired me to burn them. And I took and burnt them all but one Book; and my Siſter asked if that Book ſhould be burnt, he ſaid, no, there was nothing of Treaſon in it; I asked him if there were any thing of Treaſon in the others, and he ſaid, Do you think there was?

Sir *William Jones.* How long was this before he went away?

Elizabeth Eld. That morning when he went away.

Sir *William Jones.* How many Papers were there?

Elizabeth Eld. I cannot ſay how many:

Sir *William Jones.* I do not ask you the number, but the quantity, was there a buſhel?

Elizabeth Eld. I cannot ſay, they were roll'd up, and put in his Pockets and his Breeches.

L. H. Steward. Were they Parchments or Papers?

Elizabeth Eld. They were Papers.

L. H. Steward. Were they Letters?

Elizabeth Eld. I did not ſee what they were, but they were wrapt up together, they might be the Accompts of the Houſe for what I know.

Sir *Francis*

Sir *Francis Winnington.* But ſhe ſays, as I take it, that Mr. *Dugdale* ſaid there was Treaſon in them.

Elizabeth Eld, No, he ſaid, Did I think there was? He ſaid, it was no matter for burning that little Book, there was no Treaſon in that, and when I asked him if there was any in the others, he ſaid, Do you think there was?

L. H. Steward. Was it one or two bundles?

Elizabeth Eld. There were ſeveral bundles, they were not tyed up, but taken in handfuls and thrown into the fire.

Mr. *Foley.* If my Lord *Stafford* will ask her no Queſtion, we will call up another.

Elizabeth Eld. My Lords, I did ſee Mr. *Dugdale* take a glaſs of Cyder, and I heard him ſay, and wiſh it might be his Damnation, and he might ſink in the place where he ſtood, if he knew any thing of the Plot.

Sir *William Jones.* I pray what Religion are you of? I don't ask you to diſparage you.

Elizabeth Eld. A Roman Catholick.

L. H. Steward. When was it that he ſaid that?

Elizabeth Eld. When he was in *Staffordſhire.*

Anne Eld *was then ſworn.*

Mr. *Foley.* Tell *my Lords* what you know of any Papers that were burnt by Mr. *Dugdale,* or by his direction, and at what time.

Anne Eld. Mr. *Dugdale* came to my Fathers Houſe over night, and the next morning (before he went away) he brought a great many Papers he had in his Breeches, and in his Pockets, bundled together, and he deſired us to burn them in the flame of a Candle.

L. H. Steward. Why did he deſire you to burn them?

Anne Eld. He ſaid, the times were troubleſome, and being to travel, he was to go to diverſe places, and if he were taken, people would think him a Plotter, having all thoſe Papers about him.

L. H. Steward. Did he burn the Book at that time?

Anne Eld. No.

L. H. Steward. Why not?

Anne Eld. I found that Book, and asked him if that ſhould be burnt, he ſaid, no, lay that by, it might do good ſeven years hence, there is no Treaſon in it; ſays my Siſter to him, Is there any Treaſon in the reſt? ſays he, Do you think there is? that was all.

Sir *William Jones.* Not to trouble you longer (*My Lords*) upon this, *your Lordſhips* will be pleaſed to remember, yeſterday my Lord *Stafford* was pleaſed to offer by way of Evidence, as if Mr. *Dugdale* was a man of an ill reputation in theſe particulars, That he had defrauded my Lord *Aſton,* that he was a mean man, run in arrear to my Lord; and that being in neceſſity, he became a fit inſtrument to give falſe Evidence. We ſhall ſhew, That Mr. *Dugdale* was a man of Eſtate; that both before, and ſince he came away from my Lord *Aſton,* he hath made it his buſineſs to deſire my Lord to come to Accompt; that he hath preſſed him, and that he does believe, and hath reaſon ſo to believe, that there is Money coming from my Lord *Aſton* to him, and that a conſiderable ſumme. Now, *My Lords,* if we ſhall make it appear, that he hath made it his buſineſs to come to accompt with my Lord, I hope it will not be ſuppoſed that he is afraid of it, or ſo needy, or ſo mean. For this we call *Michael Noble* and *Stephen Colledge.*

(Michael Noble *ſworn.*)

Sir *John Trevor.* What do you know of Mr. *Dugdale,* and my Lord *Aſton?*

Mr. *Noble. My Lords,* I can ſay little or nothing as to Mr *Dugdale,* for that

that I have never been acquainted with him, but ſince the Plot, and he came to be an Evidence; but Mr *Dugdale* deſired me to aſſiſt him as much as I could, to make up his Accompts with my Lord *Aſton*. And we were twice at the Tower, one time we ſpoke with my Lord with great difficulty, another time we could not ſee him. There were three Books of Accompt, two my Lord would let us ſee, but the third, wherein all the Diſcharges were, as Mr. *Dugdale* ſaid, he would never let us ſee, that is all I can ſay.

Then Stephen Colledge *was ſworn.*

L. H. Steward. What is your Name?

Witneſs. Stephen Colledge.

Sir *William Jones.* Declare to *my Lords*, what you know concerning Mr. *Dugdale*'s preſſing my Lord *Aſton* to accompt with him.

Mr. *Colledge.* In *January* laſt, I went along with Mr. *Dugdale*, at his requeſt, to the Tower, with one Mr. *Noble* a Barriſter of the *Temple*, and one Mr. *Boſon* of *Lyons-Inn*, in order to the making up Accompts between Mr. *Dugdale* and my Lord *Aſton*; for he told me he was going thither for that end: When we came thither, we met with one Captain *Hawley*, who belongs to the Lieutenant of the *Tower*, and we deſired him to go to my Lord *Aſton*, and tell him, Mr. *Dugdale* was there, in order to make up his Accompts with him. He went and brings an anſwer back again, That my Lord was not at leiſure to ſpeak with Mr. *Dugdale* then, nor none of us from him. And Mr. *Hawley* ſaid, he was then going up with the Lords to Nine-pins. Mr. *Dugdale* ſaid, he was very ill uſed, for he had been ſeveral times there before, and he could not be admitted to ſpeak with him. He hath a little Book, ſays he, (meaning my Lord) wherein there is an Accompt made up under his own hand, of almoſt Two or Three Hundred Pounds, which ſumme I cannot ſay, but one of them I am certain of, which he hath denyed ſeveral times that he had it, (but I can prove that he hath it) if he will be pleaſed to produce that Book, we need not be a quarter of an hour in making up the Accompt. He did ſpeak of ſome other ſummes he had to place to Accompt too, but ſo much was made up already. But Captain *Hawley* ſaying he would not ſpeak with him, nor any of us from him, I did take the liberty to ſay to Captain *Hawley*, That it was hard his Lordſhip, and his party ſhould abuſe Mr. *Dugdale* at that rate, to make him his Debtor: for now I underſtood by what Mr. *Dugdale* ſaid, my Lord was his Debtor. And ſaid I, if I can perſwade Mr. *Dugdale* he ſhall publiſh his Caſe, for the Proteſtant Intereſt ſuffered by it, That he ſhould be made a Debtor to my Lord when he was not ſo. And I believe Captain *Hawley* told my Lord *Aſton* what I did ſay, for when he came back again from my Lord *Aſton*, he ſaid, my Lord did acknowledge he had that Book, and it was ready to be produced, but he would ſtay till a Councellor of his came out of the Country, and till he had ſpoke with the Lieutenant; for he would not ſpeak with Mr. *Dugdale* unleſs the Lieutenant were by, and in three or four days time he would ſend for him; but I never heard that he ſent for him ever ſince. If it pleaſe *your Lordſhips*, I have one thing more that I remember: There was a young man that belonged to my Lord *Aſton*'s Family, that heard Mr. *Dugdale* was at Captain *Hawley*'s Chamber, and came to ſee him, and paid a very great reſpect to him, and would ſtand bare to him, though Mr. *Dugdale* deſired him to put on his Hat ſeveral times. Some of us asked him, whether Mr. *Dugdale* was thought to be ſuch a Knave, when he lived with his Lord, as they would have made him ſince. No, ſaid he, Mr *Dugdale* was as honeſt a Gentleman as ever lived in our Family. I remember my Lord *Aſton*'s Man ſaid this to us then.

Lord *Stafford*. *My Lords*, Will you be pleaſed to give me leave, if I ſpeak impertinently, I am under your correction, I conceive I ſhall have ſome thing to anſwer this, but I would firſt know whether I may deſire of *your Lordſhips*, that I may have my Lord *Aſton* here to give an account of this matter.

Sir *William Jones*. If he were here he could not be heard, being a perſon accuſed for the ſame offence.

L. H. Steward. My Lord, he ſtands Indicted for the ſame Treaſon, and cannot be a Witneſs.

Lord *Stafford*. I beg your pardon, *My Lords*.

Nicholas Boſon *was ſworn*.

L. H. Steward. What is your Name?

Witneſs. Nicholas Boſon.

Sir *William Jones*. Declare to *my Lords* what you know concerning Mr. *Dugdale*'s preſſing my Lord *Aſton* to come to an accompt.

Mr. *Boſon*. In *January* laſt, I met with Mr. *Dugdale*, and one Mr. *Noble*, and one Mr. *Colledge*. And Mr. *Dugdale* deſired us to go down with him to the *Tower*. He ſaid he had an Order of the Council to paſs his Accompts with my Lord *Aſton*; and when we came there, we inquired for Captain *Hawley*, and deſired him that he would acquaint my Lord *Aſton*, that he was there to accompt with him. Captain *Hawley* went up to my Lord *Aſton*, and brought word back again, my Lord was not at leiſure, or would not ſpeak with him, or to that effect: whereupon Mr. *Dugdale* ſaid, it was very hard that he ſhould be aſperſed to owe my Lord Money, and he would not come to accompt with him. For my Lord *Aſton* had a Book or Books in his cuſtody which he would ſtand by, and they would determine the buſineſs between them; that my Lord *Aſton* was almoſt Two Hundred Pounds in his Debt. And pray, ſays he, Captain *Hawley*, do me the favour to go to my Lord *Aſton* again, and deſire him that he will be pleaſed to produce that Book or Books. If I owe my Lord any Money I am ready to pay him. And if he owe me any, I hope his Lordſhip will do the like by me; as I am ſure he does Two Hundred Pounds. Captain *Hawley* went away, and brought this Anſwer, That his Lordſhip would ſend for him in ſome ſhort time, aſſoon as a Councellor did come out of the Country, whom he had intruſted with his Books; and that was one *Birch*, as near as I remember.

Sir *William Jones*. We have done with this Witneſs. And becauſe we deſire to conclude as to Mr. *Dugdale*, we ſhall call ſome perſons of Quality as to his Reputation, my Lord having gone about to make him a man of no Reputation.

Mr. *Boſon*. I can ſpeak too about the Boy that came in.

Sir *William Jones*. There is no need of that now: we ſhall trouble you no further, Sir. *Your Lordſhips* will be pleaſed to obſerve, That Mr. *Philips*, the Miniſter, that was one of my Lord *Stafford*'s Witneſſes, did ſay, Mr. *Dugdale* was a man of whom many ſpoke well, and ſome indifferently, and perhaps that is the caſe of moſt good men; for ſcarce any are ſo good that all ſpeak well of them; but that many ſhould ſpeak well and ſome indifferently of him, may be the lot of a very good man. We ſhall call ſome Witneſſes, and begin with Mr. *Whitby* a Juſtice of the Peace, that will tell you he hath known Mr. *Dugdale* long, and what Reputation he is of.

Thomas Whitby *Eſq*; *ſworn*.

Sir *John Trevor*. *My Lords*, We deſire *your Lordſhips* would be pleaſed to aſk him what Reputation and credit Mr. *Dugdale* was in, in my Lord *Aſton*'s Service.

Mr. *Whitby*.

Mr. *Whitby*. *My Lords*, I have known Mr. *Dugdale* to be a Servant to my Lord *Aſton* this nine or ten Years; he was Steward to him, and there was no other perſon between my Lord and him; he received my Lords Rents and Debts for him, exchanged his Lands for him in fourty places, I exchanged ſome Land with my Lord my ſelf, and he was the man that did it. He was very hard for my Lords advantage, and did what he could for my Lords profit.

Sir *John Trevor*. What do you know more as to his dealing?

Mr. *Whitby*. He was a perſon that was next to my Lord, and did rule and govern the reſt of the Family. All the Servants were under him.

Sir *John Trevor*. Was he looked upon to be an honeſt man in his dealings?

Mr. *Whitby*. As to what I had to deal with him he was an honeſt man, I never heard the contrary. I have heard ſome Tradeſmen complain that he hath put them off without Money, would not pay them what my Lord owed them.

Lord *Stafford*. I deſire that Mr. *Whitby* may be here when I ſhall have occaſion to ſay ſomething to him.

Sir *William Jones*. That will be, I hope, by and by, for we have almoſt done. Call Mr. *William Southall*.

(Who was ſworn.)

L. H. Steward. What is your Name?

Witneſs. William Southall.

Mr. *Foley*. Give *My Lords* an account how long you have known *Dugdale*, and what you know of him.

Mr. *Southall*. *My Lords*, I have known Mr. *Stephen Dugdale* about eight years.

Mr. *Foley*. How hath he behaved himſelf? What Reputation hath he born?

Mr. *Southall*. Truly he hath always had a good repute, not only with my Lords Tenants, but alſo with the Workmen, and thoſe people that had dependance on the Family, and truly I never heard any ill report of him, but only what is ſpoken of now of late.

Sir *Francis Winnington*. Were you very well acquainted with him?

Mr. *Southall*. Yes, but never had any buſineſs with him. Several diſcourſes I have had with him about the Popiſh Religion.

Sir *John Trevor*. *My Lords*, I only obſerve this, This Gentleman is Coroner of the County, and hath a general knowledge of the County, and muſt know moſt men there.

Sir *Francis Winnington*. You are Coroner of the County of *Stafford*, Sir, I think?

Mr. *Southall*. Yes, I am one of them.

Mr. *Foley*. What was he in my Lords Houſe?

Mr. *Southall*. Bailiff, and a kind of Governour, providing meat, and paying Workmen, moſt of the things of the Family went through his hands.

Sir *Francis Winnington*. *My Lords*, This Gentleman is a Coroner of the County, and can ſpeak materially to other particulars beſides this of *Dugdale's* Reputation; for he was a perſon who was preſent when he made his firſt diſcovery of this Plot, and was very inſtrumental in prevailing with him to do it. He will give *your Lordſhips* an account of the whole buſineſs, and I would rather he himſelf ſhould relate all the progreſs of it, than take upon me to recite any of the paſſages.

Mr. *Southall*. There was the latter end of *November* (78.) a Report that

that Mr. *Dugdale* was gone away from my Lord *Aſton*'s, ſuddenly and ſtrangely, and it was the common report in the Country that he was in the Plot, and was fled for it. In the beginning of *December* I went through a Town called *Great Heywood*, a Mile and a half from *Tixal*, where my Lord *Aſton*, and Mr. *Dugdale* dwelt. I called at Mr. *Thomas Whitby*'s Houſe, the Gentleman that was up here lately, and he was telling me, *Dugdale* was come again and apprehended by the Watch at *Heywood* upon ſuſpicion. He told me further, he would make no Confeſſion of the Plot, though he had been under Examination before Sir *Walter Bagott*, Mr. *Kinnerſley*, and I think he ſaid Sir *Thomas Whitgrave*. But he told me divers paſſages by which we both ſuſpected he might be concerned and know of the Plot. We thought ſo from the various reports and rumors we had heard in the Country, and from thoſe great grounds of ſuſpicion that were given us. As I returned from *Heywood*, I reſolved I would ſpeak with *Dugdale* the firſt opportunity, for I had a ſtrong perſwaſion I could prevail with him to make a diſcovery of the Plot, but before I did ſpeak with him, there was one *Goldſmith* my Kinſman, had ſome difference fallen out between him and Mr. *Anſel*, and Mr. *Dugdale*, touching a Deed, the deciding of which they had referred to Mr. *Dugdale*. And he deſired me to go to Mr. *Dugdale* to *Stafford* with him, I was very glad of the opportunity. *Anſell* was to bring one *Hanſon*, Mr. *Goldſmith* was to bring me, and Mr. *Dugdale* was to bring one Mr. *Gerard*, that was concerned in the Premortgage, that we might all have diſcourſe together. I promiſed to meet them at the time appointed, and accordingly the 23*th* of *December*, two days before *Chriſtmas-Day*, I came to the place in *Stafford*, where *Dugdale* was, about ten a Clock in the Morning, where they met according to their promiſe. We had not been in the Houſe longer than a Quarter of an hour, but the Kings buſineſs, which I thought was a buſineſs of greater weight than any particular buſineſs, did ſtick much upon me, and I reſolved before I ſpoke to the particular buſineſs about which we all met, I would firſt ſpeak to Mr. *Dugdale* to put that in Execution which I had reſolved. After a ſhort ſpace of time I deſired Mr. *Dugdale* that I might ſpeak with him in a Chamber privately between him and me; he told me, if I would go into the next Chamber to his, he would come to me. Accordingly I went, and ſtaid a ſhort ſpace of time, and Mr. *Dugdale* came to me. I deſired him to make the Door to, which he did, and I began thus with him. Mr. *Dugdale*, ſaid I, for ſome Years laſt paſt, ſince I came to be acquainted with you, I have always had a good eſteem of you, and you a good report in the Country where you live, and now there is an opportunity put into your hands to ſerve his Majeſty and his Proteſtant Subjects, if (as an honeſt man ought) you will diſcharge your Duty. Mr. *Dugdale* replyed, Sir, What do you mean? Why ſaid I, I mean this in a few words, Here is a Plot diſcovered in *London*, and if it be in *London*. I conceive it hath been in part acted at *Tixal*, and if there, of neceſſity, you having ſuch a Government and Rule over that Houſe, it is impoſſible but you muſt know it. He looked upon me very earneſtly, and gave me a ſmile, but anſwered me not; I replied to him again thus, ſaid I, There is a natural Allegiance which every Subject owes to his Soveraign, and by that it is required, that if any Subjects know of any Plot or any Conſpiracy againſt his Perſon and Government, they ought in Conſcience to diſcover it, therefore Mr. *Dugdale*, ſaid I, diſcharge a good Conſcience, and tell what you know, for it is commonly ſuſpected you are concerned in the Plot. He anſwered, I have taken the Oaths of Allegiance and Supremacy. When and where ſaid I? Before his Majeſties Juſtices of the Peace at *Stafford*, ſaid he. Then ſaid I, there is not only that natural Allegiance

which

which every Subject owes to his Prince, but the Oath of Almighty God lies upon your Conſcience, therefore diſcharge a good Conſcience, and tell your knowledge. He ſtood pauſing a little while, and by and by, ſaid he, If I ſhould make any diſcovery, how ſhould I be ſecured of my Life? You need not Queſtion that, ſaid I, nor his Majeſties Gracious Pardon which he hath promiſed in his Proclamation; Have you ſeen the Proclamation? Yes, ſaid he. Said I, you have but a ſhort time, a day or two to diſcover in, for this is the 23*th*, and as I do conceive, you ought to diſcover before the 25*th*; he ſtood pauſing a while about the time, ſaid I, you need not queſtion his Majeſties Gracious Promiſe, and to incourage you thereto, there is not only an aſſurance of Pardon, but a Promiſe of reward of two hundred pounds. Said he, if I do diſcover any thing of my knowledge, I matter not, nor deſire (I don't know which it was) his Majeſties money, ſo I may be ſecured of my Life. Upon this, *My Lords*, ſaid I, Sir, you need not queſtion his Majeſties Gracious Promiſe, my Life for yours, if you have not his Pardon, but I will take ſpecial care about it, for I will ſend up a Letter to *London*, directed to ſome of the Lords, (which I accordingly did) and I will alſo ſpeak to Captain *Lane*, who is a worthy Gentleman, to interpoſe in it too. Then ſaid he, I will make a diſcovery of the Plot. Then *My Lords*, he told me firſt ſome particular paſſages relating to this Lord at the Bar, and alſo concerning Mr. *Evers* and Mr. *Petres*, now in Cuſtody, and ſome other particulars; I wiſhed him that he would ſpeak no more at that time. And when I parted with him, forthwith I conſulted with my ſelf what I ought to do, in point of Law; I knew, I muſt diſcover, that a further diſcovery might be made of what had paſſed between us. Then I went to Mr. *Freek*, who was either Mayor or Juſtice of Peace in *Stafford*, and told him he muſt come with me to Serjeant *Parry*'s. He asked me what to do. I told him when he came he ſhould know: he accordingly came, and took ſhort Notes of a further diſcovery, and Mr. *Freeke* he certified it up to Mr. *Chetwyn*, who was then at *London*. Upon the day following the 24*th*, I roſe and went to one Mr. *Vernon*, one of his Majeſties Juſtices of the Peace, and told him what had happened, and he ſent for Captain *Lane* another of his Majeſties Juſtices of the Peace, and they took an Examination of him. I have done *My Lords* with reference to his diſcovery, and the time.

L. H. Steward. Do you remember what he mentioned of my Lord *Stafford*? what he ſaid of him?

Mr. *Southall.* Truly, *My Lords*, I can only tell what he ſaid at the firſt Examination, he told me the firſt time my Lord *Stafford* ſpoke with him was at *Tixal*-Hall, nigh to the Gate-Houſe, betwixt the Gate and the Hall. My Lord was going into the Hall, and my Lord *Stafford* told him it was a very hard thing, or to that purpoſe, that they could not ſay their Prayers but in private, and after told him the ſame day or night t'one that they had ſome work to do, and he might or muſt be inſtrumental in it. This was the effect of what he told me paſſed the firſt time. Another time I think he told me he was to have five hundred pounds to kill the King.

Lord High Steward. When did he tell you ſo?

Mr. *Southall.* Not till Captain *Lane* Examined him, which was the ſecond time he was Examined; which was about the 26th.

L. H. Steward. Did he ſwear that before *Vernon* and *Lane*?

Mr. *Southall.* Yes, he did, I could give *your Lordſhips* a Breviate of what he ſwore then.

Lord *Stafford.* I deſire he may give that Breviate.

Mr. *Southall.* I took ſome notes of what he ſwore then.

L. H. Steward. Have you them by you, or about you?

Mr. *Southall.* Yes, *My Lords*, I have.

L. H. Steward. Produce them.

Mr. *Southall.* I took this upon ſome Paper I had in my Pocket, and is the ſubſtance of what he ſwore.

(Which he delivered to the Clerke.)

Clerke. December the 24th 1678. Mr. *Dugdale* Informeth, That in *September* laſt, he met in *Tixall*, the Lord *Stafford*, nigh to the gates, who ſaid, That it was ſad they were troubled they could not ſay their Prayers, but in a hid manner, but ſuddenly there would be a Reformation to the Romiſh Religion, and if there be a good ſucceſs we ſhall enjoy our freedom. And that upon the 20th day of *September*, 1678. the ſaid Lord *Stafford* told this Informant, That there was a deſign in hand, and if he would undertake in it, he ſhould have a good reward, *&c.* and make himſelf famous. The ſame day this Informant went up into Mr. *Francis Evers* Chamber to know what my Lord *Stafford* meant by his words; and he firſt made him ſwear ſecreſie upon his knees, and then told him, That he might be a perſon employed, and have a good reward, and make himſelf famous, if he would ſtand inſtrumental with others in taking away the Kings life, by Shooting or otherwiſe, and need not fear, for that the Pope had Excommunicated the King, and that all that were Excommunicated by him were Hereticks, and they might Kill them, and be Canonized for Saints in ſo doing. And that the deſign was as well to Kill the Duke of *Monmouth* as well as the King.

December the 29th 1678. this Informant ſaith, That ſince the 20th day of *September* laſt, the ſaid Lord *Stafford* did promiſe him Five Hundred Pounds as to the carrying on of the Plot, and that Mr. *Evers* ſhould give him inſtructions about the ſame. And that the Lord *Stafford* told him, he did not doubt of his fidelity, for Mr. *Evers* had given him a good character to be truſty. And that the Lord *Stafford* told this Informant, That there was a deſign to take away the Life of the King, and the Life of the Duke of *Monmouth*, and that ſeveral others were to be imployed in the deſign beſides this Informant. And that this had been throughly conſidered of to be the fitteſt way for the eſtabliſhing of the Romiſh Religion. And that at the ſaid time, the ſaid Lord *Stafford* laid his hand upon his head, and prayed God to keep him in his good mind, and to be faithful to what he had intruſted him in, *&c.*

And this Informant further ſaith, That he doubting of the Lord *Stafford*'s payment, the ſaid Mr. *Evers* promiſed him the making good of my Lord *Stafford*'s promiſe, *&c.*

And further ſaith, that he ſaw a Letter directed from my Lord *Stafford* to Mr. *Evers*, and he read the ſame, and knows it to be my Lord *Stafford*'s writing, and that therein was written, that things went on well beyond the Seas, for the carrying on the deſign, and ſo he hoped it did do here in *England*, *&c.*

Sir *William Jones. My Lords*, We will examine no further as to Mr. *Dugdale*: But will conclude with this Witneſs, and I think he ſpeaks fully to him. The next Witneſs we called was Dr. *Oates*, and *your Lordſhips* have been pleaſed to obſerve, That what Exceptions have been made againſt him, have not been ſo much by Witneſſes produced, as by oppoſing one part of his Teſtimony to another, what he ſwore at one time

time to what he ſwore at another, to which we ſhall give an Anſwer when we come to ſum up our Evidence; for there will be no need of Witneſſes to what is objected againſt Mr. *Oates*, but only of Obſervations; but as to the third Witneſs *Turbervill*, we have ſomething to anſwer of Witneſs, and ſomething by way of making Obſervation. We will firſt call our Witneſſes.

Then Mr. Southall *deſired his Paper again, which the Court told him he ſhould have a Copy of from the Clerke.*

Sir *William Jones.* And our firſt Witneſs is to this purpoſe, It was objected againſt Mr. *Turbervill* ——

L. H. Steward. Have you done with *Dugdale?* You have forgot to give an Anſwer to the objection about the point of time when *Hobſon* told him of the deſign.

Sir *William Jones. My Lords*, That will be when we come to make our Obſervations, we ſhall not anſwer that by Witneſſes; when we come to ſum up our Evidence, I doubt not but we ſhall give a ſufficient Anſwer to that Objection. But to go on with what is to be anſwered by Teſtimony, *your Lordſhips* will be pleaſed to remember, That *Turbervill* did inform *Your Lordſhips*, That he had ſome converſe with my Lord *Stafford* at *Paris*, being introduced by ſome of the Fathers. *My Lords*, we ſhall call a Gentleman that happened to be there at that time, that will tell you though he did not know my Lord *Stafford*, yet he knew that *Turbervill* did converſe much with an *Engliſh* Lord in that place where my Lord does acknowledge his Lodging to be. He will give you ſome further account how *Turbervill* went to *Diep* in expectation of my Lord, and how he had a meſſage from the Lord, though he did not know my Lord *Stafford*. He will give you a further account how Mr. *Turbervill* was earneſt with him to go to *Calice*, and then told him, he might go over with my Lord at that time. The uſe we make of theſe particulars we will forbear to mention till we ſum up our Evidence. We deſire to Examine Mr. *Thomas Mort.*

(Who was ſworn.)

Sir *William Jones.* We deſire to ask Mr. *Mort*, whether he knew Mr. *Turbervill* at *Paris*, and at what time.

L. H. Steward. What ſay you, Sir?

Mr. *Mort.* Yes, *My Lords*, I knew him, it is now five years paſt ſince we were in *Paris*. He and I had been intimately acquainted, before we lived in the ſame Family. I was ſeveral times in Company with him, and many times in his Brothers company, which was a Monk, and I heard him ſay his Brother had an intention he ſhould be of the ſame Order. And ſome time after that he altered his reſolution, and deſigned for *England*, and I had ſuch a deſign too to go from *Paris*, where I was an Apprentice. And being acquainted with him I reſolved to go over with him, and he told me, his Brother the Monk had introduced him into the favour of a Lord, as I take it, it was my Lord *Stafford*, as well as I can remember. And that there was a Veſſel to come to *Diep*, a Yacht, and we ſhould go thither to go over with my Lord. And Mr. *Turbervill* told me, we muſt make as much haſt as might be, for it were better to be there a day or two too ſoon than too late. We went to *Diep*, and when we came there, the Veſſel was not come. And when we had been there a fortnight, or thereabouts, we were put to a great deal of inconveniency by reaſon of our long ſtay there, and, I think, if I miſtake not, I or ſome of the company ſaid, Curſed is he that relies or depends on

a broken Staff, alluding, as I believe, to my Lord *Stafford*'s Name. Mr. *Turbervill* told me, if we did go to *Calice*, we might go over with my Lord; but how or by what means he underſtood the Veſſel would be there, and my Lord go that way, I know not. But we did not go thither, we had another opportunity; there was a ſmall Veſſel whether a Fiſh-Boat, or a Coal-Veſſel I cannot tell, a very little one it was, but we took the opportunity, and came over in it.

Sir *William Jones*. *My Lords*, We ſhall make uſe of it in due time, we only call him now to prove his converſe with a Lord at *Paris*.

L. H. Steward. Did you ever ſee *Turbervill* at a Lords Houſe in *Paris*?

Mr. *Mort*. No, *My Lords*, not that I can remember; but I think as near as I remember, I will not be poſitive, I walked about *Luxemburgh*-Houſe while he went, as he ſaid, to the place where the Lord lodged, I was thereabouts till he came.

Lord *Stafford*. In what Street was it?

Mr. *Mort*. Indeed I cannot tell.

Sir *William Jones*. This man is very cautions.

L. H. Steward. Can you tell the Lords Name?

Mr. *Mort*. I do not remember his Title, but I think it was my Lord *Stafford*.

Sir *William Jones*. Pray who were you Servant to? Who were you bred under?

Mr. *Mort*. My Lord *Powis*. I ſerved as Page to him, when Mr. *Turbervill* was Gentleman-Uſher to the Young Lady, one of his Daughters, ſince Married to my Lord *Molineux*.

Sir *William Jones*. Will my Lord pleaſe to ask him any Queſtions? if not, we will go on.

Lord *Stafford*. No, not at preſent.

Sir *William Jones*. Well then, *My Lords*, We deſire to call one Mr. *Powell*, a Gentleman of *Grays*-Inn, to tell you when he firſt heard Mr. *Turbervill* ſpeak of this Evidence he hath now given.

Mr. Powell *was ſworn*.

Sir *William Jones*. Pray will you give an account what diſcourſe you had with Mr. *Turbervill* about the Plot, and when.

Mr. *Powell*. About this time Twelve-month we diſcourſed about it, and he told me, that he had much to ſay in relation to the Plot; but truly he did not name any particulars to me at that time.

Sir *William Jones*. Where was this, we deſire to ask him?

Mr. *Powell*. It was at the *King-head* Tavern in *Holborn*.

Sir *William Jones*. Are you ſure it was a year ago?

Mr. *Powel*. It was about this time Twelve-month.

Sir *William Jones*. What was the reaſon he did not think fit then to reveal it? Did he tell the reaſon?

Mr. *Powell*. I think he gave me a reaſon, That he was ſomething cautious, becauſe he feared he might diſoblige his Brother at that time.

Sir *William Jones*. Did he give you any further reaſon?

Mr. *Powell*. I think he ſaid he was afraid he ſhould not have incouragement enough, for he ſaid ſome of the Witneſſes had been diſcouraged, and he was afraid he ſhould be ſo too.

Sir *William Jones*. Now we ſhall call a few Witneſſes to Mr. *Turbervill*'s Reputation which have known him a good while. Mr. *Hobby*.

L. H. Steward. Was this time that Mr. *Powell* ſpeaks of, that he did diſcourſe with him, before or after that of *Talden*?

Sir *William Jones*.

Sir *Will. Jones.* *My Lords,* We do not know of any diſcourſe with *Talden*, nay We believe none ſuch was. This Witneſs ſpeaks of a year ſince.

L. H. Steward. What time does *Talden* ſpeak of?

Sir *Will. Jones.* *February* or *March* laſt, and this was a year ago.

L. H. Steward. This was then before that certainly.

Sir *Will. Jones.* We deſire that Mr. *Arnold* a Member of the Houſe of Commons may be Sworn. (*Which was done in his place.*)

Sir *Will. Jones.* Do you know Mr. *Turbervill?*

Mr. *Arnold.* *My Lords,* I do know him very well, and I have known him theſe two years, he came recommended to me from his Grace my Lord Duke of *Buckingham*; *My Lords*, preſently after the breaking out of the Plot, he was ſent down into our Countrey by the Lords of *your Lordſhips* Houſe that were of the Committee, and a particular recommendation from the Duke of *Buckingham* to me, to give him direction and aſſiſtance to find out a Prieſt, one *Charles Prichard*, and I think alſo if I miſtake not, one *Morgan*, my Lord *Powis*'s Prieſt. I ſpoke with him before he went, I ſent Letters down with him, I ſpoke with him afterwards, he hath been in my family ſome time; he hath behaved himſelf very well there, and in ſeveral other ſober families nearly related to me. I have not heard a better Character of any man from all ſorts of people, than of him in my life.

Sir *Will. Jones.* Did he tell you any thing of the Plot, Sir?

Mr. *Arnold.* *My Lords,* I did ſeveral times find by him, that he knew much; having converſed both in *France* and here with Jeſuits and Prieſts. I preſſed him oftentimes to diſcover his knowledge, and to come in to the Council; but he gave me ſuch Anſwers why he did not, that I could not anſwer.

Sir *will. Jones.* What were they Sir? Pray tell us.

Mr. *Arnold.* That the Witneſſes that were come in, were in danger of their Lives; that they were diſcouraged, that they were diſcountenanced; and as long as the Duke of *York* had that power in the Council that he had, and my Lady *Powis*'s Brother had that power over thoſe Countreys where he lived (which his Lordſhip is often pleaſed to call his Province) he durſt not do it for his life.

Then Mr. Hobby *was Sworn.*

Sir *Will. Jones.* Do you know Mr. *Turbervill*, and how long have you known him?

Mr. *Hobby.* My Lords, I have known Mr. *Turbervill* near four years.

L. H. Steward. What Account can you give of him?

Mr. *Hobby.* My Lords, my firſt acquaintance with him, was at my Brothers houſe in *Glamorganſhire*. When I came there, my Brother ſhew'd him me, and told me he was a very worthy man, but his friends had caſt him off. becauſe he would not take Orders in the *Romiſh* Church. He lived at my Brothers above a year; and when he came thence, my Brother writ a Letter of Recommendation to my Father to receive him there, and do him all the kindneſs he could. He came to my Father's, and ſtay'd there near half a year, or thereabouts, I cannot tell to a Month or ſo. Since I have known him often in this Town, and been in his company; and I never knew, nor heard, but that he behaved himſelf like a worthy honeſt Gentleman; but as to any thing of the Plot, I know nothing.

Sir *Will. Jones.* We ask you not to that: Where is Mr. *Matthews?*

Then Mr. Matthews *a Divine was Sworn.*

Sir *Will. Jones.* Mr. *Matthews*, pray tell my Lords, Whether you know Mr. *Turbervill*, and how long have you known him?

Mr. *Matthews*. Yes, *My Lords*, I have known Mr. *Edward Turbervill* for about four years laſt paſt.

L. H. Steward. Go on, What do you know of him?

Mr. *Matthews*. *My Lords*, he lived ſome time in my Neighbourhood; I never knew him guilty of any ill action at all, but a perſon of a very fair Reputation. He acknowledged himſelf a *Roman* Catholick, and was pleaſed to give me the Liberty to talk to him. I found him inclinable to hearken to me; and to thoſe Reaſons I offered to him, and I found he had a mind to quit that Religion, being convinced by the Arguments I gave him, and as ſeveral times he hath ſince told me, thoſe were ſome of the great motives of his coming over from the *Romiſh* to the *Proteſtant* Communion.

L. H. Steward. What were the Motives?

Mr. *Matthews*. One was the hazard I told him of, in his living in the *Roman* Communion as to Salvation; another was the Excellency of the Doctrines of our Church, its Principles and Practices.

L. H. Steward. Did he acknowledge to you, he knew any thing of the Plot?

Mr. *Matthews*. No, not a ſyllable of it.

Sir *Will. Jones*. We don't call him to that purpoſe.

Then another Witneſs was Sworn.

L. H. Steward. What is your Name?

Witneſs. *William Seys*.

Sir *Will. Jones*. Pray will you acquaint my Lords, what you know of Mr. *Turbervill*.

Mr. *Seys*. I have been acquainted with him this two or three years, and I never knew him guilty of any ill action in my life. I never heard of any body that could aſperſe him, but he hath behaved himſelf like a very honeſt, civil Gentleman.

Sir *Will. Jones*. Where were you acquainted with him?

Mr. *Seys*. Here in *London*.

Then Captain Scudamore *ſtood up again.*

Sir *Will. Jones*. He was ſworn before, we deſire he may ſpeak to Mr. *Turbervill*'s Reputation.

Capt. *Scudamore*. *My Lords*, I have known Mr. *Turbervill* for theſe three quarters of a year, I have been acquainted with him in *London*, he hath been much at my houſe, and all that while I ſaw nothing in him, but that he is a very honeſt Gentleman.

Sir *Will. Jones*. *My Lords*, I think we have but one matter more, which we ſhould have mentioned before, but that our Witneſs was not come: but I hope we ſhall have the favour of ſome Honourable Lords that do know the thing, and I think there are many more that can prove it. My Lord *Stafford* who is very ancient, it may be may not remember matters exactly, I blame him not; Oblivion is the great Infirmity of old age. He was pleaſed to ſay Yeſterday, he had ſo good health, that he had not been Lame, I think he ſaid for theſe Forty years; but at laſt his Page ſaid for the laſt Seven years; and I ſhall confine our proof to that time. *My Lords*, I think there are ſome Honourable Lords here, that have ſeen this Noble Lord, that ſayes he was not Lame in ſo many years very near about the time that he was confined and impriſoned, go Lame and come Lame to the Houſe, and eaſe himſelf by holding up his Legg ſometimes. *My Lords*, I do not ſay, the Circumſtance is very material, but only to ſhew my Lord may forget himſelf, which I ſhall impute to his old Age.

Lord *Stafford*.

Lord *Stafford.* I will acknowledge it, if *Your Lordſhips* pleaſe, I did ſay I had not been lame with the Gout ſo long, no more I have not. I was troubled with the Sciatica many years, but 'tis above eight or nine years ſince that, and I took ſo much Opium that that and my going to the *Bath* cured me. I have often come lame to the Houſe out of wearineſs and old Age, but if ever I put my Foot upon a Stool for the Gout, or was ever ſo lame as to put my Foot upon a Cuſhion to eaſe it, I will admit what he ſpeaks to, I'le acknowledge thus much to ſave time.

Sir *Will. Jones.* Seeing my Lord is pleaſed to go off from it, I'le call no Witneſſes to it.

Lord *Stafford.* I go off from nothing, I was lame three or four years when the King came in: I went to the *Bath*, and afterwards into *Germany*, and what with Opium and the *Bath* I was cured, and I have not been lame theſe eight or nine years. I have not had the Gout in my Foot for theſe many years, and I never was ſo lame to put my Foot on a Stool to my remembrance.

Sir *Will. Jones.* I do not think we ſhall need to trouble *Your Lordſhips* more with this matter, that my Lord was lame ſometime he is pleaſed to confeſs. One Witneſs ſays that he put his Foot upon a Cuſhion, my Lord does not acknowledge that.

Lord *Stafford.* I was never lame at *Paris.*

Sir *Will. Jones.* That a man that is lame does ſometimes eaſe his Foot is no hard Conſequence I think.

Lord *Stafford.* I deny I was lame then, I walked about the Streets of *Paris*, I deſire I may not be miſunderſtood.

Sir *Will. Jones.* I muſt then deſire under his Lordſhips favour, if he will not acknowledge it to be within ſeven years, that we may prove it, and falſifie his Witneſs, the Page.

Lord *Stafford.* I have gone with a ſtick to the Houſe, I acknowledge it, and been lame with wearineſs.

Sir *Fran. Winnington.* The Objection went to the credit of our Witneſs, and therefore we deſire to anſwer it: my Lord was not lame, as he ſays, for ſo many years, But if we prove that within leſs time my Lord hath been lame, it will take off that Objection from our Witneſs. And we deſire a Noble Lord or two of this Houſe may teſtifie what they know. And firſt the Earl of *Stamford,* (*who was Sworn.*)

Earl of *Stamford. My Lords,* I think I have not had the honour to ſit in this Houſe much above ſeven years, but long ſince that time I have ſeen my Lord *Stafford* come lame into the Houſe of Peers, and that is all I can ſay.

Lord *Stafford.* I have come lame with a Stick to the Houſe I ſay.

Sir. *Fran. Winnington. My Lords,* we deſire that Noble Lord, my Lord *Lovelace* may be Sworn, (*Which was done.*)

Lord *Lovelace. My Lords,* The Account that I can give *Your Lordſhips* is this, I cannot aſcertain any time, but I am ſure, and I do declare it upon my Honour, and the Oath I have taken, that I have ſeen my Lord *Stafford* lame in the Houſe of Lords within leſs than theſe ſeven years.

Lord *Stafford.* If he goes home to the Tower he may ſee me lame, but never put my Foot upon a Stool.

Sir *Will. Jones. My Lords, Your Lordſhips* will be pleaſed to remember we did call a Witneſs, one *Thomas Launder,* and the account we had of him was he was gone ſick from the Bar, he was very ſick indeed, but being juſt now brought, we deſire he may be heard tho it be out of time, we call him to the reputation of *Holt.*

Thomas

Thomas Launder was Sworn.

Sir *John Trevor*. Do you declare to *My Lords* whether you know *Samuel Holt*?

Launder. Yes *My Lords* I do.

L. H. Stew. What do you know of him?

Launder. He is a Smith, *My Lords*.

L. H. Stew. What Reputation is he of?

Launder. Indifferent, *My Lords*.

Sir *Will. Jones*. What do you mean by that, good or bad? ſpeak plainly.

Launder. A Drunken Sot, a man that will Drink and Rant and Tear the Ground, and Sing two or three dayes or a week together, and loſe his time.

Sir *Fr. Win*. I would ask this man whether he was ſummon'd as a Witneſs upon any Tryal in relation to the Plot?

L. H. Stew. Were you ever ſummon'd as a Witneſs about the Plot?

Launder. *My Lords*, I was ſummon'd concerning my Lord *Aſton*'s Tryal, and I came up with my Lord *Aſton*'s people as an Evidence.

Sir *Will. Jones*. Had you any offer of money, and what ſumm?

Launder. Yes, *My Lords*.

Sir *Fr. Win*. Acquaint *My Lords* with it.

L. H. Stew. Who offered it you? and when? and for what?

Sir *Will. Jones*. For what was that money offered you?

Launder. The money was not abſolutely offered me, but I was to have an Horſe to ride on, and money in my Pocket if I could take off *James Anſel, Dugdale*'s Evidence.

L. H. Stew. Who came and offered it to you?

Launder. I was ſent for by Mr. *Fox* to *Tixal* Hall, and there was my old Lord's Brother for one, and Mr. *Thomas Aſton* that is this Young Lord's Brother, and Mr. *Francis Aſton* who is my Lord's Eldeſt Son were in a Room together, and this *Thomas Sawyer* that was here, and more were in the Room when they promiſed all theſe things.

L. H. Stew. If you would do what?

Launder. If I would take my Oath that this *James Anſell* was a Perjured Rogue.

L. H. Stew. Did all they make you this promiſe?

Launder. Yes, *My Lords*.

Mr. *Foley*. It was a Conſult together about taking off the Evidence.

Sir *Will. Jones*. *My Lords*, We have done with our Witneſſes if my Lord *Stafford* pleaſe to conclude we are ready to do ſo too.

Lord *Stafford*. What ſhould I conclude? about thoſe Witneſſes you have now brought in?

Sir *Will. Jones*. Your Lordſhip may pleaſe to conclude your Evidence, we are ready to conclude on our part.

Lord *Stafford*. Theſe new Witneſſes, muſt I ſay what I can ſay againſt them preſently? I cannot do it, I know very few of them.

L. H. Stew. Have you any Witneſſes here, my Lord?

Lord *Stafford*. I cannot poſſibly have any. For I did not know nor gueſs theſe people would be brought againſt me. They are perſons I know nothing of. *Anſell* I have ſeen four or five times, I may have ſeen the reſt, but I do not know them to be able to give an accompt of them.

L. H. Stew.

L. H. Stew. If you have any Witneſſes here to ſupport the credit of your own Witneſſes that have been impeached, you may call them.

Lord *Stafford.* I have none, *My Lords.*

L. H. Stew. Will your Lordſhip recapitulate the material parts of your Defence, that the Proceſs may be cloſed?

Lord *Stafford.* I am very unready for it, *My Lords.* Let me ask Mr. *Whitby* a Queſtion, if I muſt have no more time.

Mr. Whitby *ſtood up.*

L. H. Stew. There he is, what would your Lordſhip have with him?

Lord *Stafford.* I do not know the Gentleman.

Mr. *Whitby.* Nor I your Lordſhip.

Lord *Stafford.* I ask him upon the Oath he hath taken, I know he will ſpeak truth, whether he did not ſome years ago tell my Lord *Aſton* that is dead, this Lord's father, That *Dugdale* was a Knave, and perſwaded him to turn him away, (I ſay not it is true, but I have heard ſo) and deſired him to tell his Son ſo, that he might quit himſelf of him?

L. H. Steward. What ſay you, Mr. *Whitby?*

Mr. *Whitby. My Lords,* about three or four years ago my Lord *Aſton* that is dead (I believe it may be two years laſt *April*) ſent for me to dine with him, and when I came thither, he told me, ſayes he, Mr. *Whitby* I have ſent to you to acquaint you with a thing, but I do not believe it before I tell it you. What is it, ſaid I? ſaid he, *Stephen Dugdale* hath acquainted me, that you have employed perſons upon the Water to deſtroy my Water; ſaid I, my Lord I never endeavoured it; he ſaid, he did believe me; then I told my Lord; ſaid I, Mr. *Dugdale* is a diſhonour to the family, upon this accompt, becauſe many times people come for money and he will not let them have it, but puts them off and makes them complain; ſayes my Lord, my Son is now at *Standill,* but I will tell him as ſoon as he comes home, and if you will bring the Perſons that have waited ſo long for their money, and made ſo many Journeys, you ſhall hear what he will ſay to it. Within awhile my Lord *Aſton* that now is, came down, and I went thither to ſee what became of it. And I went to the *Bowling-Green* where my Lord and his Son were; but my old Lord ſaid nothing to me of it, nor his Son neither. Within a few dayes my old Lord *Aſton*'s Gentleman came down to my Houſe (one Mr. *Aſhley*) ſaid I, I wonder whether my Lord *Aſton* hath acquainted his Son with what I told him; ſayes he, he hath, but it ſignifies nothing, for he will hear nothing againſt Mr. *Dugdale.* This I ſpeak upon my Oath, 'tis true.

L. H. Stew. Your Lordſhip ſees what this Gentlemans Opinion was of *Dugdale* then, he would hear nothing againſt him. Will your Lordſhip conclude?

Lord *Stafford. My Lords,* I am mighty unready, and know not which way to turn my ſelf, upon thoſe new things they have brought, for I knew nothing of it, nor expected any ſuch thing. But will you be pleaſed that I may call *Simon Wright* again.

(*Who ſtood up.*)

L. H. Stew. What would your Lordſhip have with him?

Lord *Stafford.* I have nothing to ſay to him, but to deſire him to ſee this Letter, whether it be of his own Writing or no.

L. H. Stew. Look upon that Paper, ſhew it him, (*which was done.*)

L. H. Stew. Is it your hand?

Wright. This is my hand. 'Tis part of that I was hired to do. There is another of a great deal more conſequence then that.

L. H. Stew. Deliver it in, and read it.

June the 14th. 1680.

Sir,

Clerk. I *Can I bleſs God with a ſafe Conſcience declare upon Oath that Mr.* Dugdale *hath been unkind to me in taking his opportunity of my poverty by reaſon of a private meeting of us two by his appointment, he did that time proffer if I would ſwear againſt You, and* Mr. Gerard, *he would protect me as one of the King's Evidence, and I ſhould not want Money; and in the* Hall *at* Weſtminſter *he ſaid, if I did diſcover it that day at Mrs.* Price's *Tryal he would ſet me in the Pillory: This I have owned to his face, and ſhall not go back from this and more, neither for fear nor favour. So I reſt as you ſhall find by your Servant,*

Sim. Wright.

L. H. Stew. Is this your hand?

Wright. Yes, *My Lords*, this I was adviſed word for word to write.

L. H. Stew. Who penn'd this for you? Did you pen it your ſelf?

Wright. No, *My Lords*, they penn'd it, and a great while I would not ſet my hand to it, but *Fermin Drayton* ſaid I need not fear, I was not to ſwear againſt the King.

L. H. Stew. Who is that?

Wright. He is *Butler* to Mr. *Heveningham.*

Lord *Stafford.* See what you have under his Hand, I have no more to ſay to him.

Wright. But by their perſwaſion at laſt I did write it, and a great deal more then that.

Sir *William Jones.* I deſire to ask Mr. *Wright* whether they would have had him ſwore this.

L. H. Stew. Were you deſired to ſwear this?

Wright. No, *My Lords*, they never put me to ſwear it; for they told me I was not to ſwear againſt the King; but if I would be ſo kind to make an Affidavit before a Juſtice of Peace, I might then go where I would into the Countrey, and I ſhould have money to bear my Charges.

Sir *Will. Jones.* Who would have had you ſwear it before a Juſtice of peace?

Wright. Jermin Drayton and Mr. *Longmore*, where he is I can't tell, but he told me that Sir *James Symons* was better able to perform than *Dugdale* was to promiſe.

Mr. Serj. *Maynard.* The ſame thing that was done by *Redding*, he was convicted for it, and ſtood in the Pillory.

Sir *Will.*

Sir *Will. Jones.* We desire to know, whether he was ever with Sr. *James Symons* himself, and what he offered?

Wright. I was once with him at the *Kings Bench*, I dined there: after I had written the Paper that was read, he gave me 20 *s.* and said, he hoped I would not go off from what I had said, and he hoped I was sensible his Gratuity would not be wanting, and was sorry he had not occasion to use me.

Sir *Will. Jones. My Lords*, we have done with him; I only observe, that My Lord *Stafford* was pleased to produce this Paper; he was Master of it, and had it in his keeping.

Sir *Fran. Win. Wright* sayes, there is another Paper of more Consequence; I wish his Lordship would produce that also.

L. *Stafford.* I did not know of this till just now it was delivered into my hands. Did you see Mr. *Longmore* before this Letter was writ?

Wright. Both before and after, to the best of my remembrance, and at the time when Sir *James*'s Tryal should have been, at the Sign of the *Crown* in *Kings-street* in *Bloomsbury*.

L. H. Steward. My Lord, will you conclude?

L. *Stafford. My Lords*, I desire *Your Lordships* Pardon; I do not know how really to go about it to Night. I will obey your Commands, though I fall down at the Bar. I protest before God, I was all Night so ill of the Cramp, that I had no repose. If you will have me go on, I will, if you will give me but a little time to recollect my self.

L. H. Steward. God forbid, when your Lordship is to speak upon so great a Concern, and a matter of that importance as this is to you, you should be put at the end of the Day, and in the midst of all your thoughts, to summ up your Evidence. I do believe, if you do desire time till to Morrow, *My Lords* will give it you: And if you would have me move *My Lords* in it, I will.

L. *Stafford.* One word, I beseech *Your Lordships* ———

Sir. *Will. Jones.* We do not oppose it.

L. *Stafford. My Lords*, I desire one thing, I am very ignorant in this Matter, and do not understand it; I would desire *Your Lordships* Directions to know in what Method I must proceed.

L. H. Steward. Your Lordship is to proceed thus if you please; Your Lordship is to recollect and recapitulate all the Proofs you have made; and you are to enforce them as well as you can, and make such Observations upon them as are for your own advantage: and this your Lordship must do for the Fact: If there remain a Doubt in Law which you may have occasion to move, Counsel may be demanded; and if it be considerable and worthy of Debate, you may have Counsel heard to speak to it. But the Process is closed, no more Witnesses are to be heard: There remains only Observations upon the Fact or Law to be made.

L. *Stafford.* Are no more Witnesses to be heard?

L. H. Steward. No, I think not: 'tis agreed on both sides all is done: But my Lord, I would not have your Lordship to understand me so, that if so be you have yet any material Evidence, that you think it does concern you to produce, and you have it ready to Morrow, before you summ up the Evidence; I believe then, if you move *My Lords*, they will let it be heard: Otherwise I think here is an End of Witnesses.

L. *Stafford.* I desire the Paper I gave in, may be returned me.

L. H. Steward. But in order to this, My Lord, if your Lordship does think, you shall use or produce any other Witnesses, it would be of Importance that you would name them now.

L. *Stafford.* Truly, *My Lords*, I will go hunt for none; and I think I ſhall have none: only one thing I muſt beg your Pardon in; which is the only thing I muſt have Witneſſes to, to anſwer what they have ſaid, that my Lord *Aſton* would not come to accompt. My Witneſſes are very near me, Mr. Lieutenant, ſome in the *Tower*, and one Mr. *Birch*.

L. H. Steward. My Lord *Stafford*, bring thoſe to morrow that you name to night.

L. Stafford. If you pleaſe that I may have that Paper, *Wright*'s Letter.

E. of *Shaftesbury*. *My Lord Steward*, I deſire that Letter may be kept.

L. Stafford. It is a Paper that was given me, and I would return it: if you wo'nt allow me it, I can't help it.

L. H. Steward. 'Tis deſired it may remain where it is: But your Lordſhip may have a Copy if you pleaſe, atteſted by the Clerk. Is it *Your Lordſhips* pleaſure to Adjourn?

Lords. Ay, Ay.

L. H. Steward. This Houſe is Adjourned into the Parliament Chamber.

Then the *Lords* withdrew in their Order, and the Committee of *Commons* returned to their Houſe, where *Mr. Speaker* reſumed the Chair.

A Meſſage was ſent from the *Lords* by Sir *Timothy Baldwyn* and Sir *Samuel Clark*.

Mr. Speaker,

The Lords have ſent us to acquaint this Houſe, That they have Ordered William *Viſcount* Stafford *to be brought again to his Tryal at the Bar in* Weſtminſter-Hall *to Morrow morning at Ten of the Clock.*

The *Commons* Adjourned to Eight of the Clock the next Morning.

The

The Fifth Day.

Saturday, December 4th, 1680.

ABout the hour of Ten in the Morning, the Lords Adjourned into *Weſtminſter-Hall*, going thither in their former Order into the Court there erected, and Mr. Speaker having left the Chair, the Commons were Seated as before.

The Court being Sat, Proclamation for ſilence was made, and the Lieutenant of the *Tower* commanded to bring his Priſoner to the Bar, which being done, the Lord High Steward began as followeth:

L. H. Steward. What ſays your Lordſhip my Lord *Stafford? My Lords* are prepared to hear what your Lordſhip can ſay in the ſumming up of your Defence.

Lord *Stafford. My Lords*, I muſt needs ſay to *your Lordſhips*, That you have given me Favour and Time all that I could demand. But I am a very unfortunate Man in many things, unfortunate in being brought hither upon this Accompt, and truly, *My Lords*, I am very unfortunate, That I had not *Yeſterday*, before I went away, the Names of ſome very material Witneſſes, and ſome that I did not know of, till within this half quarter of an Hour; I humbly offer this to *your Lordſhips* Conſideration as the State of my Caſe. 'Tis true, *My Lords*, I acknowledge I was bound up *Yeſterday* to Mr. Lieutenant, and ſome others that I named, but I humbly tell *your Lordſhips* this, That I am informed of ſome material Witneſſes more this Morning.

L. H. Steward. Are the Witneſſes you ſpeak of, any of the Witneſſes you named laſt night?

Lord *Stafford.* No, *My Lords*, 'Tis one of my Lords, a Peer of this Houſe.

L. H. Steward. How many more have you?

Lord *Stafford.* Five or Six.

L. H. Steward. To what Point?

Lord *Stafford.* To diſcredit the Witneſſes that have been brought againſt me, both ſome of thoſe that have diſcredited mine, and ſome that have ſworn againſt me particularly.

L. H. Steward. There is no End of this Way of proceeding.

Lord *Stafford. My Lords*, I profeſs to *your Lordſhips*, in the preſence of God, I do it not for delay, nor did I know of them then.

L. H. Steward. What ſay you to it Gentlemen?

Sir *William Jones. My Lords*, I am afraid this proceeding at this rate will never have an End. If his Lordſhip have any Witneſſes to any material part of his Defence, though he hath bound himſelf up, I ſhould not be againſt hearing of them. But if his new Witneſſes are only to the Reputation of our Witneſſes, then perhaps we muſt have ſome other Witneſſes brought to diſcredit his, and we not knowing who theſe new Witneſſes of his would be, may need perhaps another day to bring Teſtimony againſt them, ſo that I know not when the matter can have an End. *Your Lordſhips* know, there is a Rule in the Civil Law, *In teſtem, teſtes, & in hos, ſed non datur ultra*; And I hope beyond that you will not go; Truly, for my own part, I did not expect any other Witneſſes, but thoſe he was pleaſed to name laſt night, in relation to the Matters of Accompt; If he pleaſe to call them, We ſhall hear them; but for any other, conſidering it would prolong the Trial to another day, and this Cauſe hath had four days already for Hearing, We hope they ſhall not be admitted.

Lord *Stafford*. *My Lords*, I profeſs to *your Lordſhips*, If I were alone concerned in it, I ſhould not have moved it, but when I conſider my Wife and Family are concerned, I hold my ſelf bound by the Duty I owe to God and them, to propoſe this to *your Lordſhips*; I am preſſed to it by my Wife juſt now, ſince the Houſe came in. I proteſt before God, for my ſelf, I can look Death in the face without being afraid, but when I conſider in what condition I ſhall leave my Wife and Family, it moves me.

(*Then he wept.*)

I am not concerned at it for my own part, for I know I am Innocent, but I cannot forbear Tears when I conſider them; 'tis not for my ſelf, I take God Almighty to witneſs that I weep, I could be content to ſpeak a few words to *your Lordſhips*, and ſubmit to your Judgment, and take my death, if you decree me to it, and not defer it till *Monday*; But I cannot forbear ſhewing my Grief when I conſider my Wife and Children.

L. *H. Steward*. Pray, *Gentlemen*, conſider, Whether it be not a ſaving of time to let my Lord examine his Witneſſes, elſe *My Lords* muſt withdraw to conſider of his deſire; 'Tis true, in the practice of *Chancery* we do examine to the credit of Witneſſes, and to their Credit, but no further, but what *my Lords* will do in this Caſe I know not till they are withdrawn.

Sir *William Jones*. *My Lords*, We have that Opinion of our own Proofs, and are ſo deſirous of an End of theſe Proceedings, that rather than we will give *your Lordſhips* the trouble to withdraw, if my Lord will pleaſe now to tell us the number and names of his Witneſſes, we ſhall not oppoſe their being heard.

Sir *Fr. Win*. If *your Lordſhips* pleaſe, one word further; We know well of what Concern this is to my Lord, and no body deſires to have him crampt in his Evidence. The Objection did lie fair on our ſide, it looking like a deſigned delay, and yet we are willing to comply with this Reſervation, that if there ſhould be any ſuch Witneſſes produced now, as may require an Anſwer, that we may not be foreclоſed of adviſing with one another about it.

L. *H. Steward*. No, by no means. My Lord *Stafford*, your deſire is conſented unto upon theſe Terms, That your Lordſhip will now name the Perſons and number of the Witneſſes you will call.

Mr. *Hampden*. And the Points to which you will call them.

Lord *Stafford*. I humbly thank *your Lordſhips* for the favour, but it is an impoſſibility for me to do it: If *your Lordſhips* will give me a quarter of an hours time, I will name them, I cannot name ſome of them, one is my Lord *Ferrers*, another is one Dr. *Taylor*, Dr. *Watſon*, Dr. *Elliot*, and one *William Dale*.

L. *H. Stew*. Now to what Points will your Lordſhip call theſe Witneſſes?

Lord *Stafford*. My Lord *Ferrers* is to ſpeak his knowlege of *Southall* the *Coroner*, and that is as to *Dugdale*, my Lord knows that Perſon Dr. *Watſon*, and they are to invalidate the Teſtimony of Dr. *Oates*, and there is another man's Name, I forget what it is.

Sir *William Jones*. To what Point is he to be a Witneſs?

Lord *Stafford*. 'Tis to Dr. *Oates*, and the Evidence againſt me.

Mr. Serjeant *Maynard*. So there will be pretences made every moment of ſome new Witneſs to put off this Cauſe.

Lord *Stafford*. Under *your Lordſhips* favour, I ſcorn to make any delay. If you think this may not be material, or not fit to be done, I will quit it.

L. *H. Steward*. Go on my Lord.

Lord *Stafford*. Will your Lordſhips be pleaſed to begin with my Lord *Ferrers*, (*who ſtood up in his place.*)

L. *H. Steward*. My Lord *Ferrers*, your Lordſhip is called upon by my Lord *Stafford*, and you being a Witneſs for the Priſoner, and againſt the King, your Lordſhip is not to be ſworn.

Lord

Lord Ferrers. *My Lords*, What I have to ſay concerning that perſon my Lord named, *Southall*, is only upon Hear-ſay, and upon the Reputation he hath in the Countrey; for I have no acquaintance with him, nor do know him at all: But the Reputation that hath been given me of him in the Countrey, is, That he hath been a very active man in the late times againſt the King, and is counted to be a very pernicious man againſt the Government.

Lord Stafford. Call Dr. *Taylor*.

Servant. I know not where he is, he can't be found at preſent.

Lord Stafford. Then call *William Dale* in the mean time. *My Lords*, This ſame *Southall* I never heard of, the other man that drew up the Affidavit, that is *Feake*, I know, he was named by *Southall* to joyn with him in the Examination, I can tell what he was, I can prove that he is an Attorney, that he was Mayor of *Stafford*, and proclaimed the King Traitor.

L. H. Steward. Who was that?

Lord Stafford. One that drew up the Affidavit of *Dugdale*, *Feake* mentioned by *Southall*.

L. H. Steward. Who is your next Witneſs my Lord?

Lord Stafford. One *William Dale* (who being called appeared).

L. H. Steward. What is your Name?

Witneſs. William Dale.

L. H. Steward. What do you ſay?

Lord Stafford. About *Dugdale*, *My Lords*, what he knows about his offering him any money.

Sir *William Jones.* We deſire to know where he lives?

Dale. *Dugdale* never offered me any money.

L. H. Steward. Where do you live?

Dale. At *Owſeley*-bridge.

Lord Stafford. Pray ask him whether *Dugdale* perſwaded him to ſwear againſt my Lord *Aſton* ſomething he knew not.

L. H. Steward. Did *Dugdale* ever hire you to ſwear againſt my L. *Aſton?*

Dale. No, he never hired me.

L. H. Steward. Do you know that he ever hired any body elſe to ſwear falſe?

Dale. I do not, *my Lords.*

Lord Stafford. *My Lords*, I moſt humbly thank your Lordſhips for your favour in giving me the Liberty of examining theſe other Witneſſes, I ſhall trouble you no further, nor give no more Evidence, only one Witneſs, *my Lords*, I ſhall trouble you no further, and that is Mr. Lieutenant of the *Tower* to this point, whether my Lord *Aſton* did refuſe to come to accompt with *Dugdale*.

L. H. Steward. Come, Mr. Lieutenant, do you know any thing about accompts between my Lord *Aſton* and Mr. *Dugdale?*

Mr. Lieutenant. *My Lords*, laſt Summer was 12 moneth *Dugdale* came to the *Tower*, but my Lord *Aſton* would not ſpeak with him, unleſs I were by; ſo they brought him to my Lodging, and he ſhewed me the Books of Accompts, I told them I did not underſtand Accompts, but if they would have me be by I would get ſome body to be preſent that did, and have them adjuſted. Mr. *Dugdale* ſaid he would come another time, but from that time to this I never heard of him.

Lord Stafford. *My Lords*, I ſhall not trouble you with any more Witneſſes. *My Lords*, I have now done my Evidence. I ſhall as well as my weak memory and old Age will give me leave ſum it up, ſomething (as well as I can) of the Evidence given againſt me, and for me. Truly, *My Lords*, I am able to do it very imperfectly for want of underſtanding, and truly for want

want of ſleep, but I do not doubt, but that according to the Law, as I am informed it is, ſince I can have no Counſel in matter of fact, or to adviſe me in any thing of that Nature, yet I am alſo informed by the Law, *your Lordſhips* who are my Judges, are my Counſel. And I do not doubt but *your Lordſhips*, when you take it into Conſideration, will ſupply any defects which I ſhall commit, which I believe will be many. I ſhall ſpend *your Lordſhips* time as little as I can, though theſe Gentlemen of the Houſe of Commons believe I deſire to protract it, yet I profeſs before God I do not. And I declare before them all, and *your Lordſhips*, I am ſo ſatisfied of my own Innocency that I would never beg a moments time of delay; and I know *your Lordſhips* will take care of the Life of the meaneſt Subject; and though I have had the honour to ſit among *your Lordſhips* as a Peer, yet I ask not for your favor, but with your Juſtice too; I ſhall therefore ſum up my defence as well as I can. For the firſt Witneſs *Dugdale* he ſwore I was at a Conſult at *Tixall* in the end of *Auguſt* or the beginning of *September*, I have ſufficiently proved that in all *Auguſt* I was not there, nor till the 12th of *September*. I have proved that his firſt Oath was, I was there in *Auguſt*, and a man that will ſwear falſe in one thing is not to be credited in any. I have made it appear to *your Lordſhips*, that upon the 30th of *Septemb.* when he ſays he was in my Chamber and I ſent the Page to call him, that that is falſe, it was only he deſired he might come to me to get leave that he might go to the Race, my Lord *Aſton* being angry with him for it. This I conceive is proved ſufficiently by two Witneſſes my Man and my Boy, and this I think I have proved as poſitively as can be done. *My Lords*, 'tis true, 'tis Objected againſt me, That I had ſaid *Dugdale* was never ſeen alone with me in my Life, 'tis true, and 'tis true *Anſell* ſwears he brought a Footman to me, but he ſwears it was in the Morning when it was at Supper, and does not ſay that he was alone with me. *My Lords*, *Dugdale* ſwore that he told Mr. *Philips* and Mr. *Sambidge* of the death of Sir *Edmundbury Godfrey* on the *Monday*, ſome ſwore he ſaid it was on the *Tueſday*, but they deny that ever he told it them, and ſo he is forſworn in that. And *my Lords* whether he be a man of any great Credit I think I have proved enough to *your Lordſhips*. 'Tis proved by two Witneſſes *Holt* and *Morrall* that he offered them money to ſwear, as likewiſe he did to another one *Robinſon*, whom I do believe by the Information that was given of him to be a wicked ill man and not to be credited, but being ſo, *my Lords*, he was the fitter for *Dugdales* turn. And yet he had ſo much Conſcience, though he was a poor and needy fellow, he would not ſwear a Mans life away for money, the other two are without exception, the one they ſay is an idle fellow, and 'tother a man but of an indifferent reputation, how far that will move with *your Lordſhips*, I ſubmit it to you. I ſuppoſe 'tis alſo clear by my Witneſſes that *Dugdale* is a man of no Reputation, having forſworn himſelf in ſeveral particulars, and I ſubmit the Credit of all he ſays to *your Lordſhips* upon that.

The next Witneſs, *my Lords*, is Mr. *Oates*, whether he be a Doctor or no I know it not, he would not own it here, he *my Lords*, ſwears that he ſaw a Commiſſion delivered to me to be Pay-maſter of an Army to be raiſed, God knows when, I never heard when, or where, I ſuppoſe it was in the Clouds, for I never knew where elſe. Mr. *Oates* all along before ſwore only that he believed I was in the Plot, now he ſwears I was in it, at Mr. *Fenwicks* Chamber, a man I never ſaw in my Life, nor heard of till this diſcovery. And that he ſaw Letters ſubſcribed by my Name; but that, *my Lords*, I conceive is no Evidence at all, for he never ſaw me write nor does know my Hand, nor does he pretend to know me then, and when he had told *your Lordſhips* he had a Letter of mine, he pretended to look for it, and then ſaid he had loſt it, that is, never had it. But beſides, *my Lords*, his

Evidence

Evidence now does not agree with his former, for I do appeal to *your Lordſhips* that were in the Houſe then, that he ſwore the firſt time, He only ſaw my Name to Letters, afterwards he ſwore (that is ſome days after he had ended all his Evidence, and knew no more then he had put down then, afterwards he remembers what he knew not before and ſwears) a Commiſſion he ſaw delivered to me: So his Memory increaſes as he hath time to invent, and perhaps by another time it might be much more. But *my Lords*, I think that one particular, his ſwearing before *your Lordſhips*, as 'tis entred in your Journal, that he had no more to ſay againſt any body, and afterwards naming the Queen, and now me to have a Commiſſion, I conceive, is perfect Perjury. *My Lords*, Mr. *Oates* told *your Lordſhips*, That he had never been a Papiſt in his Heart but ever feigned it; truly *my Lords* I cannot poſſibly give over that point, That a man that feigns himſelf to be a Papiſt or any thing that in the Opinion of Proteſtants is ſo wicked a thing as that, is fit to be belived, if he ſhall not heartily repent himſelf, and own it to God and man as an ill thing to diſſemble ſo. But yeſterday he with a ſmiling Countenance, and as it were in deriſion, owns that which muſt be a very great offence to God Almighty to pretend to be of an Idolatrous Church. I appeal to *your Lordſhips* whether he be a fit Witneſs, I conceive he cannot be thought a Chriſtian, nor to believe in God. I know many wicked and infamous perſons have done many wicked things and yet have been Witneſſes, but never did any wicked man own a wicked thing, that he might have concealed, with boaſting of it, that ever was credited in any thing; for if he had ſaid I do acknowledge I did diſſemble with God and my own Conſcience, but I ask God forgiveneſs, it was for a good End and a good Intention, it had been ſomething (though that could not have attoned for ſo ill a thing) but ſhewing no Repentance, but rather an Impudent affronting of God Almighty, I think he is not a fit Witneſs, I appeal to *your Lordſhips* and the whole Chriſtian World if he be. I cannot believe *your Lordſhips* will condemn me for an Opinion which I will go to my death with, and it ſtands upon me ſo to do.

The laſt Witneſs, *my Lords*, is *Turbervill*, and he ſays, in the year (75) he often diſcourſed alone with me for a fortnight together at *Paris*. My Servants he owns he never ſaw them, and how he could come for a fortnight together, and not ſee my Servants, I refer it to *your Lordſhips* conſideration whether it be poſſible. For I'le tell *your Lordſhips*, when I had been a few days at *Paris* my Land-Lord came one day to me, and ſaid, You do not do well to ſuffer any body to come to you without your man be by, for there came yeſterday a French-man to ſpeak with you, and I do not know him, and he went ſtrait up to your Chamber without any body with him, 'tis a dangerous thing, ſaid he, for I know that French-men and people have come up and been alone with perſons, and put a Piſtol to them and made them deliver their money for fear of their Lives, therefore pray, ſaid he, do it no more. From that time, which was a few days after, I came to *Paris* the latter end of *October*, or the beginning of *November*, no Chriſtian ſoul was permitted to come to me without my Servants, how then could he come to me for a fortnight together and none of my Servants ſee him? *My Lords*, this Gentleman very civilly the next day after he had made an Affidavit againſt me would needs mend it, and Sir *William Poulteney* did acknowledge that he made Affidavit one day, that he came to my Lord *Powis*'s in the year (73) and the next day amended it to (72). Now I humbly conceive, *my Lords*, a man that ſwears one thing to day, which he forſwears to morrow is not to be believed; And the truth of it is, as

his Brothers prove to *your* Lordſhips, he came to my Lord *Powis*'s in the year (71) and ſo he forſwears himſelf in every thing, and is in no wiſe to be believed. He ſwears to *your* Lordſhips I writ a Letter to him to acquaint him that I would go by *Calice*, and not by *Diep*; but I have proved I went by *Diep*, and I aſſure *your* Lordſhips I have not been at *Calice*, I think, theſe twelve or fourteen years. I conceive theſe things are very manifeſt and clear proofs againſt him that he hath not ſwore one true word. He ſwears that my Lord *Powis*, my Lady *Powis*, and his friends, perſwaded him to go to *Doway* to be a Frier, but not liking it he came over again and was in danger of his life by them; but the Evidence is ſufficiently ſtrong in proof that he afterwards was at my Lord *Powis*'s and was well received, that he lay in the Houſe and was not in the leaſt injured by them. And for his other Relations his Brother proves he was not ill uſed by them. They gave him ſeven pound to be gone and trouble them no more. He ſays, I ſaid, he was a Coward, and I'le tell you why I ſaid ſo, becauſe a Captain, that is now out of *England*, told his Siſter ſo, who told me, but that is not very material. *My* Lords, there is one Witneſs more, *John Porter* that ſwears to *your* Lordſhips this one thing, That this *Turbervill* ſwore to him at ſuch an Ale houſe, he knew nothing of the Plot. And then *my* Lords there is Mr. *Yalden*, and he is a Gentleman of Reputation, he ſaid in his company, there was no Trade good but that of a diſcoverer, God damn the Duke of *York*, *Monmouth*, Plot and all, for I know nothing of it. Truly, *my* Lords, whether he got money by it or no is known ſince he hath been a diſcoverer, telling what he knew not ſo many Moneths ago; and therefore I ſubmit it to *your* Lordſhips what he is.

My Lords, theſe people that ſwear againſt me, there is not one of them a perſon of any Quality or Condition, and whether they have not rather ſworn for money than the truth, by things that are known, and need no proof, I ſhall obſerve when I come to it to argue that point in Law; Whether a man that ſwears for gain is a Credible Witneſs or no?

My Lords, I have as well as I can ſummed up that little Evidence that was given againſt me, I cannot better do it in ſo ſhort a time, for indeed I had but a very ſhort time laſt night, and I have not ſlept, I had the Cramp ſo much in extremity that my next Neighbour heard me roaring out. *My* Lords, I ſubmit my ſelf to *your* Lordſhips, and doubt not but that the matters charged upon me will appear to *your* Lordſhips ſufficiciently anſwered. And I beſeech *your* Lordſhips well to conſider that one thing againſt Doctor *Oates*, his diſſembling with God Almighty, and his impudent owning of it. This I do inſiſt upon, and I proteſt before God Almighty, if I were a Judge, I would not hang a Dog upon ſuch Evidence. *My* Lords, I have many points in Law to offer to *your* Lordſhips, and when you pleaſe I ſhould do it, I'le name them to you.

L. H. Steward. Name them my Lord, if you have any Doubts in Law propound them.

Lord *Lovelace.* *My* Lords, I would not interrupt my Lord, but I think indeed it is no interruption, ſince his Lordſhip broke off and was going on to another point. But I think I ſee one of the Impudenteſt things that ever was done in a Court of Juſtice; Whileſt we are Trying a perſon here for a Popiſh Plot, I do ſee a profeſſed Papiſt ſtanding in the Body of your Houſe, and that is Sir *Barnard Gaſcoyne*.

(*Who thereupon went out of the Court.*)

Lord

Lord *Stafford*. *My Lords*, I do conceive I have cleared my ſelf to *your Lordſhips* of what I am Accuſed of. *My Lords*, the Courſe of my whole Life hath been otherwiſe, I defie any Creature in the World to ſay, That I ever uſed one Diſobedient or Diſloyal word of the King, or did any ſuch Act. I waited on the King that now is in the Unhappy War that is paſſed, when I was in a low Condition enough as to Fortune, and my Wife and Family were thereby reduced to great Streights, for my Wife and Children liv'd ſome five or ſix years upon ſome Plate and Jewels that we had, whereas if I would have come, and been at *London*, and joyned with that Party, I could have ſaved my Eſtate, and lived quietly as others did. But my Conſcience told me, I ought to wait upon the King, and offer him my Perſonal Service, when I could do him no other. I have ſhewn how the Witneſſes have forſworn themſelves, I ſhall now, if *your Lordſhips* pleaſe, deſire your Opinion in ſome Points of Law. And though perhaps I may name to *your Lordſhips* many things that are impertinent, or not to the purpoſe, I beg *your Lordſhips* pardon, 'tis out of the weakneſs of my Underſtanding, and I hope you will not think ill neither *your Lordſhips*, nor the *Houſe of Commons*, if I ſhould, through Ignorance, move things impertinent. The firſt Point of Law is this,

First, I conceive there is no Example or Preſident for it, That proceedings Criminal ever did continue from Parliament to Parliament, and this is continued to three.

L. H. Steward. Speak out my Lord, and go on.

L. *Stafford*. Secondly, *My Lords*, I do not queſtion the Power of the *Houſe of Commons* in the leaſt, but, *My Lords*, I know they Impeach when they find Grounds for it without diſpute, but I queſtion whether any man, by the known Laws of this Kingdom, in Capital Caſes, can be proceeded on, but by Indictment firſt found by the Grand Jury, and not by Impeachment by any Perſon, or other body of Men.

L. H. Steward. Say on my Lord.

L. *Stafford*. Thirdly, *My Lords*, I conceive there are many defects in the Indictment or the Impeachment (Indictment there is none) There is no Overt Act alledged in the Indictment or Impeachment, I know not well what it is called. And, *My Lords*, by the Act of Parliament in 1 *H.* 4. *c.* 10. nothing from thenceforth is to be Treaſon, but according to the Statute of 25 *Edw.* 3. which includes an Overt Act.

Fourthly, *My Lords*, I deſire that I may prove that by Law they are not competent Witneſſes, for they ſwear for money. But *My Lords*, I forgot one thing to ſay to *your Lordſhips* as to the Evidence, that theſe Gentlemen did endeavour to prove (I do not ſpeak whether they did or not) a general Plot of the *Papiſts*, whether they did not, I am not concerned in it for I ſay they have not proved me a *Papiſt*, which I ſubmit to *your Lordſhips*; and though any man may know me ſo in his private knowledge, yet they having not given any proof of it, 'tis not to affect me.

Fifthly, There is one Point of Law more, That no man can be condemned for Treaſon, as I conceive by one Witneſs, and there are not two Witneſſes to any one Point. Theſe are the Points of Law, I humbly beg *your Lordſhips* pardon for the trouble, and deſire your Opinion in them.

Sir *William Jones*. *My Lords*, Before we make Anſwer to what my Lord hath ſaid, I do humbly deſire, That for the Objection which he hath made againſt Mr. *Southall*, proved by a Noble Lord of this Houſe (though I muſt obſerve it was not of his own knowledge, but by Hear-ſay, and that matter of Hear-ſay contrary to the Act of Oblivion) to the end there may no doubt remain of Mr. *Southall*'s Credit; that a Noble Lord of this Houſe, and a Gentleman of the *Houſe of Commons* (who both know Mr. *Southall*) may be heard to his Reputation. Sir

Sir *Fr. Winnington.* My Lord *Ferrers* knew him not himſelf, but my Lord *Brook* and Mr. *Gower* will give a better Accompt of him. (*Then the Lord* Brook *was ſworn.*)

Lord *Brook. My Lords*, What I have to ſay concerning this Mr. *Southall* is, That he hath been often employed both by my Brother and my Mother, and they have ſo good an Opinion of him, that they employ him ſtill, and therefore we take him for an honeſt man, and an able man, or he would not be ſo much truſted and employed, and I take him to be a very good *Church-man*, for if he was not I would not employ him.

L. H. Steward. An honeſt man, an able, and a good *Church-man* your Lordſhip ſays.

Lord *Brook.* He receives the *Sacrament* four times a Year.

Sir *William Jones.* Then ſwear Mr. *William Leveſon Gower*, a Member of the *Houſe of Commons* (which was done in his Place.)

Mr. *L. Gower. My Lords*, I have been near 7 years of *Stafford-ſhire*, but did not know Mr. *Southall* till this *Popiſh-Plot* was diſcovered. After that I came acquainted with him (being a Juſtice of the Peace in that County) in Court, where I found him to be the moſt zealous Proſecutor of the *Papiſts* in that Country, no man like him. I likewiſe found ſeveral Popiſh Prieſts, had by his means, been apprehended, and impriſon'd, and one of them ſince convicted, who by the way ſtill remains unexecuted in *Stafford* Goal. What Opinion ſome may have heard or had of him formerly, I cannot tell, but this I know, that he hath more than once come to deſire my Aſſiſtance, that he might proſecute the *Papiſts* the moſt effectual way upon the Statutes made for that purpoſe, and that he did complain to me that he had not met with good uſage elſewhere.

My Lords, I take opinion to be grounded upon Principles, and I do obſerve that thoſe of this Country, who do believe this *Popiſh-Plot*, and know Mr. *Southall*, and are Princip'd for the Preſervation of the King, the Proteſtant Religion, and the Government, do at this time ſpeak well of him, and thoſe who are not ſo Princip'd ſpeak otherwiſe.

My Lords, I was ſurpris'd, when I heard my Name mention'd upon this Occaſion, I have told *your Lordſhips* all the matter of Fact that upon the ſuddain occurs to me, (with my own Opinion, which I offer with all ſubmiſſion) and had I had notice, I might poſſibly have recollected more, which I would freely have declared to *your Lordſhips*, but this is all that I can now ſay.

Lord *Stafford. My Lords*, If your Lordſhips pleaſe, I would ſay one word, if you will give me leave, I am very ignorant, and beg *your Lordſhips* pardon for troubling of you, I humbly deſire to know, Whether after the Points of Law are argued, I may ſpeak ſomething not concerning the Evidence of the Plot, but concerning my ſelf.

Sir *William Jones. My Lords*, We ſhall not oppoſe the ſaying any thing he can for himſelf, but we muſt conclude, and have the laſt word.

L. H. Steward. My Lord, the Gentlemen that are for the *Houſe of Commons* muſt conclude. *My Lords* will give you all the favour they can, but they muſt have the laſt word.

Lord *Stafford.* I do not oppoſe it.

L. H. Steward. Therefore you will do well to ſay all you have to ſay together. For the Points of Law, *my Lords* will give no Judgment till the *Commons* have Anſwered them, and they I ſuppoſe will firſt ſum up the whole Proofs, then you may ſay what you have to ſay, for they muſt make an end. Gentlemen, will you ſpeak firſt to the Law?

Sir *William Jones.* No *my Lords*, firſt to the Fact.

L. H. Steward. Go on then.

Then

Then Sir William Jones, *One of the Committee appointed to manage the Evidence, began to ſum up the ſame as followeth:*

MAy it pleaſe *your Lordſhips*, We have now done our Evidence, as to matter of Fact, and that which I have in Charge at this time, is to remind *your Lordſhips* of our Proofs, to anſwer the Objections that have been made againſt them, and to make ſome Obſervations upon the whole.

My Lords, The Members of the *Houſe of Commons* that were appointed for the Service of the management of this Trial, thoſe of them (I mean) who began the firſt day, made a Diviſion of our Evidence into two Parts, the one, that which concerned the Plot in general, and the other what related to this Lord in particular.

My Lords, as to the Plot in general, We did call ſix Witneſſes, I know ſome of *your Lordſhips* have taken Notes, and you have their Names, they were *Smith*, *Dugdale*, *Prance*, *Oates*, *Denis*, and *Jeniſon*.

My Lords, becauſe I will ſave as much of your time as I can, I will not take upon me to repeat what each Witneſs ſaid as to the Plot in general; but when I come to the Evidence which immediately concerns my Lord, I muſt beg your favour that I may be more particular. I will ſay thus much for the Proofs of the Plot in general, That there was by thoſe Witneſſes ſo much fully proved, that made it moſt apparent; That there was a general Deſign amongſt the *Roman Catholicks* to introduce their falſe Religion into this Kingdom, That the *Jeſuits* had ſeveral Meetings to that end, That they endeavoured to do it by ſeveral ways, by raiſing of Armes, by collecting of Monies, and by deſigning againſt the Kings Life; nay, they had ſo far advanced their Deſigns, and were in ſo much readineſs, as they thought it time to appoint Officers not only for their Army, but for the Civil Government, as if the Work were already accompliſhed.

Your Lordſhips were told by one of the Witneſſes of a *Lord Chancellor*, and of a *Lord Treaſurer* (Lords now in the *Tower* yet to be tried) and you were told alſo of Officers for the Military Part, a General, a Lieutenant-General, and this Lord at the Bar to be Pay-Maſter of the Army.

I ſhall (*my Lords*) deſire to take Notice to *your Lordſhips*, That this Deſign, though it was to be finally acted by other Hands, yet was it firſt contrived, and afterwards carried on by the Prieſts and Jeſuits. You will find them preparing for it, by making Sermons to juſtifie that Doctrine (which I confeſs this Noble Lord denies) of the lawfulneſs of killing Kings. You will find the Prieſts and Jeſuits, in their Diſcourſes, as well as Sermons, urging and incouraging their Diſciples and Votaries, to go on with their deſign of killing our King, and giving that common Reaſon for it, That He was an *Heretick*, and it were Meritorious to take Him out of the way.

My Lords, I take notice of theſe Particulars in the general Plot, becauſe it may give great light to, and add much to the confirmation of the particular Evidence. And, *My Lords*, (I think) I may take leave to ſay, That the Plot in general hath been now ſufficiently proved. And if we conſider what hath been proved at former Trials (upon which many of the Offendors and Traytors have been executed) what hath been publiſhed in Print, and above all *Colman's* Letters, written all with his own hand, and for that reaſon impoſſible to be falſified; we may juſtly conclude, that there is not a man in *England*, of any Underſtanding, but muſt be fully convinced of the truth of the Plot in general. I ſhall ſpare to mention the Reſolutions and Declarations of Two Parliaments, and of both Houſes in thoſe Two Parliaments without (as I remember) one

diſſenting Voice, expreſſing their full ſatisfaction of the Reality of the Plot; ſo that I think now none remain that do pretend not to believe it, but two ſorts of Perſons, the one thoſe that were Conſpirators in it, and the other thoſe that wiſh'd it had ſucceeded, and deſire it may ſo ſtill.

But, *My Lords*, I will be the ſhorter on this Part; For perhaps it will be Objected, You have offered a fair Proof of a general Plot, here are Records, Votes of both Houſes, Papers and Evidences printed, and Witneſſes *Viva voce* to prove it; but what is all this to my Lord *Stafford*? *My Lords*, it goes a great way to him; I do not ſay to be a convincing Evidence, but to make the particular Evidence againſt him highly credible.

Your Lordſhips cannot imagine, That there are ſuch a ſtore of Lords and great Men, amongſt that Party (though there be too many) that they ſhould have great Choice for great Offices. *Your Lordſhips* hear how the other great Offices were diſpoſed of, and truly I think the Merit of this Lord amongſt that Party might very well intitle him to an Office as great as this of *Treaſurer* of War, or *Pay-Maſter* to the Army. But what is the Evidence of the general Plot (may ſome ſtill ſay) to my Lord *Stafford*? what do you mention the raiſing an Army? what do you mention the collecting of Money? what do you mention the providing of Arms for? Yes *my Lords*, they are very uſeful, for they give a fair Introduction to prove againſt this Lord that he was to have this Office. If it be proved by other Witneſſes than thoſe who ſwear directly againſt this Lord, That there were Arms provided, that there was an Army to be raiſed, and the reſt; It proves at leaſt that there was Occaſion for ſuch an Officer as the particular Witneſs proves my Lord was to be.

My Lords, For the other matter that relates to the Conſultations of the Prieſts and Jeſuits, and their Sermons and Diſcourſes; I deſire *your Lordſhips* to obſerve that alſo, which if you do, *your Lordſhips* will eaſily perceive what a great Influence even that matter hath upon the particular Evidence, and how credible it renders the Teſtimony of the particular Witneſſes. *Your Lordſhips* will find, when my Lord was at *Tixal* (as *Dugdale* gives you an Accompt) there was *Evers* the Jeſuit, and other Prieſts ſtill at my Lords Elbow, and egging him on to this buſineſs. *Your Lordſhips* will find where *Oates* ſpeaks of him, it is at *Fenwick*'s Chamber, who was a Jeſuit, giving him Ghoſtly Counſel. *Your Lordſhips* will find, that at *Paris*, where Mr. *Turbervill* ſpeaks of him, there were Father *Sherborne*, Father *Nelſon*, and Father *Anthony Turbervill*. Still the Prieſts are about my Lord; and when my Lord is among them, or but newly come from them, then he utters the Treaſon of killing the King. And doubtleſs this trayterous purpoſe of his did ariſe from their Counſels. So that though our Witneſſes ſpeak of my Lords Diſcourſes at ſeveral times about killing the King, yet they make them flow from one and the ſame Fountain, the inſtigation of the Prieſts and Jeſuits.

But now, *My Lords*, to come to the particular Evidence, I think I may ſay, if ever Evidence was convincing, this is ſo. We have brought three Witneſſes which ſpeak each of them that which is ſufficient to prove my Lord Guilty, and they ſpeak of Overt Acts too, as I ſhall obſerve anon.

His Lordſhip was pleaſed at the beginning of our Evidence to deſire that the Witneſſes might look him in the face, and for that he cited two Statutes, I ſuppoſed he intended the Statutes of 1 & 5 of *Edw.* 6. Which Statutes, or at leaſt one of them, do ſay, That there ſhall be in Caſe of High

High Treaſon two Witneſſes to accuſe, and thoſe two Witneſſes brought face to face at the time of the Trial. And my Lord hath had the benefit of thoſe Laws, he hath had two, nay three Witneſſes to prove him Guilty, brought face to face before *your Lordſhips*, and if theſe three, or any two of them deſerve to be credited, my Lord in this Caſe is Guilty of High Treaſon. *My Lords*, I muſt beg the favour of looking upon my Paper of Notes, for the truth is, the Witneſſes are ſo many, and the proceeding hath held ſo long, that it is impoſſible for my weak memory to retain all that was ſaid.

My Lords, the firſt Witneſs we began withall was *Dugdale*. And I know *your Lordſhips* did take notice what he ſwore, but it will be my Duty to remind *your Lordſhips*, That he tells you, That he had heard of a general Deſign of making Preparations to be ready againſt the Kings Death, and this for ſeveral years paſt. But as to the matter of haſtening the Death of the King, that was but a late Counſel. He tells you, I think, that about the latter end of *Auguſt*, or the beginning of *September*, 1678. *Evers* and other Jeſuits were at *Tixal*, That there was a Conſult then about the Kings Death, and that (by the means of *Evers*, who was a very great Man among them, but ſince fled, and is mentioned in the Impeachment) he was admitted to that Conſult, and heard particularly what every man ſaid; and he does take upon him to ſay, That at that time the matter of taking away the Kings Life was propounded, and that my Lord, the Priſoner at the Bar, did conſent to it.

My Lords, He tells you further, That upon a *Sunday*-Morning my Lord came from *Stafford* to *Tixall* to *Maſſe*; My Lord was pleaſed to obſerve that we do not prove him a *Papiſt*, but we prove my Lord came to *Maſſe*, and that I think is one good Proof of his being a *Papiſt*. Beſides, *Dugdale* ſwears my Lord did then Complain, That they had not the free Exerciſe of their Religion, that they could not ſay their Prayers openly; What were they? Not the Prayers of *Proteſtants*, not thoſe contained in the Liturgy of our Church. He could not complain of any reſtraint as to them, but complain he did that they had not the free Exerciſe of their Religion, but he did hope, if things ſucceeded well, in a ſhort time, it would be otherwiſe. This is particularly ſworn by *Dugdale*.

My Lords, His Lordſhip was very much unſatisfied, That *Dugdale* was not particular in point of time, he did talk of ſome matters to be in *Auguſt* or *September*, but could not fix to any day. But *your Lordſhips* will remember, that as to one Particular, and which mainly concerns his Lordſhip to anſwer, he comes to a day, or within a day, for he ſwears poſitively, That upon the 20*th* or 21*th* of *September* he was ſent for to my Lords Chamber, the Servants were put out, that there my Lord did propoſe to him in expreſs terms, the matter of killing of the King. He would have him be an Actor in it, and he offered him a Reward of 500 *l.* to perform it. For this which is the moſt material part of his particular Evidence againſt my Lord, he is certain 'twas either on the 20*th* or 21*th* of *September*; and he tells *your Lordſhips* how he comes to remember the time, by a good Token, by the *Foot-Race* that was then to be run; and I do not perceive that my Lord does deny, but rather acknowledge that *Dugdale* was in his Chamber at that time. 'Tis true, he does deny ſome other Circumſtances which I ſhall Anſwer anon. And here I do think *Dugdale* undertakes to ſwear to that which will amount to an Overt Act, and a damnable one too, that is the offering 500 *l.* to kill the King.

But

But *Dugdale* (it ſeems) was not willing to depend upon the promiſes of my Lord for ſo much money, his Lordſhip had not that credit with him; he repairs to *Evers*, and deſires to be ſatisfied from him whether he might rely upon my Lord for ſo much money, *Evers* told him he might be ſure to have the money, and that there was enough in *Harcourts* and other mens Hands for the carrying on that bleſſed deſign, and that he ſhould have it thence. I might (*my Lords*) remember to *your Lordſhips* how *Dugdale* does particularly ſwear concerning another diſcourſe he had afterwards with my Lord. That my Lord complained of the great loſſes that had been ſuſtained by him and his friends for the King, how in particular my Lord *Aſtons* father had loſt 30000 *l.* and what reſentments my Lord had of it; He ſaid that places of profit were rather beſtowed upon thoſe that diſſerved the King, and were Rebels and Traytors, than on thoſe that did him faithful ſervice; and what does he conclude from thence? He is very angry with the King, and does ſay that next to the Cauſe of Religion (which was the ſtrongeſt motive with him to take away the Kings Life) the Kings ingratitude to his Loyal Subjects was that which did moſt offend him.

I ſhall not trouble *your Lordſhips* with other particular matters which were to ſerve as Incouragements to the Deſign, as that there was to be a pardon from the Pope; that my Lord did write a Letter to *Evers*, which was ſhewn to *Dugdale*, wherein he ſays, That things did ſucceed very well abroad, and he hoped they would do ſo at home. I ſhall only obſerve that *Dugdales* Evidence, as to my Lords damnable deſign of killing the King, is poſitive and full. And if this be to be believed (as I hope we ſhall ſhew there is no reaſon but it ſhould be) then here ſurely is one ſufficient Witneſs to prove my Lord guilty of the Higheſt Treaſon.

My Lords, The next Witneſs we called for againſt my Lord was Dr. *Oates*; and I think Dr. *Oates* is not only poſitive, but he is poſitive in that which moſt certainly will amount to an Overt Act, nay I think to more Overt Acts than one. The Doctor tells *your Lordſhips*, That having been at St. *Omers* and in *Spain*, he ſaw ſeveral Letters that were ſubſcribed *Stafford*; he did not then know my Lords Hand, but he ſaw the Letters, and he tells you the effect of thoſe Letters. And I remember in one of them there is this expreſſion, That my Lord (the Priſoner at the Bar) does give Aſſurance to the Fathers that he is very Zealous and ready to do them ſervice.

Doctor *Oates* tells you, *my Lords*, That afterwards coming into *England*, my Lord *Stafford* did write a Letter, I think it was to his Son, but ſure I am the Doctor ſaid, he had the carriage of it to the Poſt-houſe, that he ſaw my Lord write it, he read the ſuperſcription, and he ſwears that the Hand which writ that Letter was the Hand which ſubſcribed to all the former. And ſo then joyning the one to the other it amounts to as good an Evidence as if he had known my Lords Hand from the beginning.

But that which comes home to my Lord, is that which Doctor *Oates* ſaw, and that which Doctor *Oates* heard; and they are theſe particulars which I now mention.

Firſt, He ſaw a Commiſſion directed to my Lord to be Pay-maſter of the Army, he ſaw it delivered to my Lords own Hand and my Lord accepted it. Doctor *Oates* read the Commiſſion, and he tells you by whom it was ſigned *Joannes Paulus Oliva*, a perſon ſubſtituted by the

Pope

Pope to iſſue out Commiſſions; he tells you the Contents of it, and of this he ſwears he was an Ocular Witneſs.

He tells you of another Matter he heard my Lord ſay, as conſiderable as the other, That when my Lord had received the Commiſſion, my Lord declared that he was to go down into *Stafford-ſhire* and *Lancaſhire*, where he was to put things in readineſs. What were thoſe things? He had now a Commiſſion by vertue of which in *Lancaſhire*, and the other Places, he was to prepare and gather Monies for that Army which he was to pay. So much Doctor *Oates* doth ſwear he heard from my Lords own Mouth.

But there is one thing further which I had almoſt forgot. He doth ſwear that my Lord was privy to, and approved of, the Matter of killing of the King. For he doth ſwear he did hear my Lord ſay at that time, *He hoped before he returned, Honeſt William* (who was *Grove* that was executed for this attempt) *would have done the buſineſs.* And what that buſineſs was every man who hath heard of *Groves* Treaſon muſt needs underſtand.

There is but one thing more that I remember of Doctor *Oates* his Teſtimony. *Your Lordſhips* that have a better advantage to write than we, who are crowded together, may have taken Notes of more; but this one thing I do obſerve, Doctor *Oates* doth expreſly ſwear, that my Lord bore a very ill mind towards his Majeſty; for, my Lord did in his Hearing complain, *That the King had deceived them a great while, and that they would bear with him no longer, he ſhould deceive them no more.*

My Lords, Our third Witneſs was Mr. *Turbervill*, who doth give you an account that he being firſt ſent to *Doway*, and intended to be entred there in one of the Societies, (He was ſent by my Lord *Powis* and my Lady *Powis*, and ſome of his Relations of that Religion, for that purpoſe) he did not like the Company, he was not pleaſed with the Exerciſes of that Religion, and that with much difficulty he eſcaped thence and came for *England:* But finding he was not well look'd upon here, nor well received by his Relations, he went over to *France.* That being at *Paris* he came into the company of the three Fathers, I named before, Father *Sherborn*, Father *Nelſon* and Father *Turbervill*, the laſt whereof he tells you was his own Brother. That by the means of theſe Prieſts he was brought acquainted with my Lord *Stafford*, and doubtleſs they were able to make him intimately acquainted with my Lord. And it did prove ſo, for he tells you, after ſome time, that in a lower Room of my Lords lodging my Lord propoſed to him the buſineſs of killing the King. That he did not at all like it, was very unwilling to undertake it, but my Lord bid him conſider of it, and that he ſhould give him his Anſwer at *Diep*, having enjoyned him ſecrecy; but my Lord after ſent him word he would go by *Calais*; and the Witneſs afterwards went into *England*, and from thence into the French Army. And this is the ſubſtance of what *Turbervill* depoſeth.

And, *my Lords*, I think it will not be doubted by any Man that will conſider theſe three Mens Teſtimonies, but that here are two Witneſſes, if not more, to prove my Lord Guilty of Treaſon.

But my Lord has been pleaſed againſt them to make ſeveral Objections; ſome have been by Witneſſes which he hath produced to incounter the proofs that we have offered; and ſome of them have been by Obſervations that he hath made upon what hath been ſaid by our Witneſſes and his. I will keep to Order as much as I can and not confound the order and method of his Defence.

The Witneſſes he firſt brought were againſt *Dugdale*, and of them his Lordſhip was pleas'd to begin with his Daughter, the Lady *Marchioneſs* of *Wincheſter*, and his Neice Mrs. *Howard*. *Your Lordſhips*, I preſume, are pleaſed to obſerve what they were called to. They did teſtifie, that being at *Wakemans* Tryal, they did hear *Dugdale* ſwear (ſays my Lady *Marchioneſs* of *Wincheſter*) that my Lord *Stafford* was to come down into *Staffordſhire* in *June* or *July*, and Mr. *Dugdale* was then to receive orders from my Lord, and he ſwore (as ſhe was pleaſed to ſay) that there was a Conſult in *Auguſt* at *Tixall*, and my Lord *Stafford* was there preſent. Mrs. *Howard*, for I put them together, was pleaſed to ſay that ſhe was preſent at that Tryal, and there *Dugdale* ſwore that my Lord *Stafford* did come down in *June* or *July*, and that my Lord was at the Conſult in *Auguſt*.

My Lords, I will not make Objections neither to the Religion of theſe Ladies, nor to their Relation to my Lord, though thoſe be matters that are to be conſidered. But that which I ſhall obſerve to *your Lordſhips*, is this, That they do not agree one with another; For my Lady *Wincheſter* ſays *Dugdale* did ſwear that my Lord was to come down in *June* or *July*, and Mrs. *Howard* ſays, that he ſwore he did come down then. Now there is a great difference betwixt ſwearing an intention that a Man was to come down, and ſwearing the very Act that he did come down at that time. By which *your Lordſhips* may obſerve how hard a Matter it is for Witneſſes that are preſent at a Tryal (eſpecially at a Tryal which did not directly, though it might in conſequence concern another Perſon of their Relation) to take notice exactly of things.

And truly, *my Lords*, theſe Ladies being of that Religion might have ſo much concern upon them for Sir *George Wakeman* the Popiſh Phyſitian, and in him for other their friends of that party, that they might not have ſo much liberty of thought, as to obſerve exactly all circumſtances ſworn to by the Witneſſes, and therefore it is no great matter if they are miſtaken in them. But I believe if any one do conſult the Print (though it be no Evidence nor offer'd as ſuch) he will find no ſuch thing was at that time ſworn, for it is not ſo Printed, and thoſe that took Notes did not underſtand it ſo.

My Lords, The next Witneſs my Lord is pleaſed to bring is his Servant *Furneſe*; and what is it that he teſtifieth? He ſaith, that he was with my Lord the whole time that *Dugdale* was in my Lords chamber, and he doth not remember that ever *Dugdale* was there but once, and he doth not remember that ever my Lord bid him go out of the Room.

My Lords, It is a very hard matter for a Man to come thus in the Negative, to remember how often *Dugdale* was there, eſpecially there being no more occaſion to take notice of it then, than here appears to be, and that after ſo long a time. And it is a very hard matter for a ſervant to gain credit, by ſaying his Maſter never bid him go out of the Room in his Life. Theſe things may be done or ſaid, and yet eſcape the Memory of a Servant of more Age and of leſs inclination to favour his Maſter then this perſon appears to be of and to have. Therefore I think there will be but a very ſmall matter made of what he ſaid, no force at all in it, and I believe *your Lordſhips* will give very little regard to it, but rather believe thoſe Witneſſes that ſwear poſitively, that they have ſeen him with my Lord and ſpeak to a familiarity at that time between them. This young man *Furneſe* was my Lords Servant, and of his Religion; and it is conſiderable whether we have not reaſon to be afraid that more then ordinary Practice has been uſed to prepare Evidence on my Lords behalf, which I ſhall have occaſion to ſpeak to when I come to the other Witneſſes.

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His next Witneſs, *My Lords*, was his Boy *George Leigh*, who is 15 Years of Age now, and was Eight Years Old when he came to my Lord Seven Years ago. And he Atteſts the ſame thing, and to the ſame Purpoſe with the other. And I think I may leave him with the ſame Anſwer, for we are nothing more concerned with him than we were with the other. Only one thing I would obſerve, to ſhew that his Memory was imperfect, he doth not remember that *Dugdale* was with my Lord at all that day, which my Lord himſelf doth acknowledge he was, and the other Witneſs agrees. So that there cannot be any great weight laid upon what he ſaith.

My Lords, Next Witneſs was *Thomas Sawyer*, and he is one of my Lord *Aſton*'s Servants, that I deſire to obſerve of him firſt. And what does he ſay? He ſaith, That *Dugdale* went away for Debt. The contrary to which was apparently proved, for we, by our Witneſſes, made it manifeſt, that *Dugdale* went away for the Matter of the Plot; NB the fear and dread he was in upon that ſcore: and the Circumſtance of his being apprehended by the Watch at Night in his Flight, and how he was put to take the Oaths, do manifeſtly prove this. But he ſays another thing, which I deſire may have no weight with *your Lordſhips*, that *Dugdale* ſhould threaten, that becauſe my Lord *Aſton* would not own him for his Servant, he would be revenged of him. Truly, if my Lord *Aſton* were here to be tried, it would have ſome weight. NB But to think if it were true, that he had ſo ſworn, that therefore he would be ſo wicked as to do miſchief to another man, that he would be revenged of every man of that Religion, or of every man that came to my Lord *Aſton*'s Houſe; That cannot be imagined. So I cannot ſee what great ſtreſs *my Lords*, the Priſoner can lay upon it, as to the preſent Trial, which concerns my Lord *Stafford*.

But, *my Lords*, I deſire to obſerve, that he ſaies further, That when *Dugdale* went away there was a Diſcourſe of a Plot; (this he helps out *Dugdale* in;) and that there was a Diſcourſe of the killing of a Juſtice of Peace. So that certainly it does ſhew, that *Dugdale* was apprehenſive of the Plot. And as to that which he is pleaſed to ſay, That *Dugdale* ſhould deny his knowledge of the Plot, and take Drink, and with Execrations forſwear it; it will be no manner of Objection at all. For I ſhall have occaſion to ſhew hereafter, that *Dugdale* at that time was very far from revealing the Plot, he had bin ſo long ingaged in, he was in apprehenſion of the danger of his own life, and *Southall* tells you how and when he revealed it, and by what inducements he was prevailed upon to do it.

The next Witneſs my Lord called was *Philips*, the Miniſter of *Tixhall*; and truly all that I can accuſe him of, is, want of Memory, and that is no fault in a man, that perhaps is very ſtudious and careful in his Imployment as I hope he is. He tells you, that whereas *Dugdale* ſwore at a former Trial, that he acquainted Mr. *Philips* with the death of a Juſtice of Peace of *Weſtminſter* on the *Monday*, that he did not acquaint him with it, that is, he does not remember it, for no man that ſwears a Negative, can ſwear more. But whether Mr. *Philip*'s Evidence be of any Conſequence to us, we ſubmit to *your Lordſhips* Conſideration; when we oppoſe to his want of memory, two Witneſſes that ſwear he was by when this News was told; and we are told likewiſe, as a Confirmation of that, by two Gentlemen of Quality, that the report of ſuch a thing was ſpread abroad all over that Countrey, before it was poſſible for it to come by the way of ordinary Intelligence, whether therefore what Mr. *Philips* teſtifies proceeds from any other Cauſe, than want of memory in Mr. *Philips*, I muſt leave to *your Lordſhips* Conſideration. NB

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But this I would obſerve to *your Lordſhips*, that when Mr. *Phillips* was asked by my Lord, whether or no *Dugdale* were a Perſon likely to Perjure himſelf, he could not ſay ſo: Nay, being asked of what Reputation he was of, he ſaid, by ſome, he was very well ſpoken of, by ſome, but indifferently; but I do not remember, that he ſaid, he was ill ſpoken of by any. So I think Mr. *Philips* has rather advanced than prejudiced Mr. *Dugdal*'s Reputation and Credit.

My Lords, I think I may lightly paſs over the three Juſtices of Peace that were brought to give an Account of *Dugdale*'s Behaviour before them, and not mention them diſtinctly, becauſe they ſwear all to the ſame purpoſe, that Mr. *Dugdale* was apprehended upon Suſpition of the Plot, that he took the Oaths, that he was invited and urged by them to make a diſcovery of the Plot, which he then denied to have any Knowledge of: For all this will be anſwered, when we come to re-mind *your Lordſhips* of Mr. *Sonthall*'s Teſtimony.

His Lordſhip was pleaſed in the next place, to offer to prove *Dugdale* an ill Man, by endeavouring to ſuborn Witneſſes: And in the firſt place he called *Robinſon*, who teſtified a very unlikely thing, that Mr. *Dugdale* ſhould call him in the Street, and bring him to an Houſe, and offer him Money, to ſwear againſt my Lord *Stafford*; which Money he had in an Handkerchief, but did not tell him what Particulars he ſhould ſwear to: Nay, and this after he had told him he could ſwear nothing. And it does not appear, that *Dugdale* had any manner of Knowledge of him, or that this Gentleman, *Robinſon* had any Knowledge of My Lord *Stafford*: So that it was a very raſh and preſumptuous thing, that *Dugdale* ſhould attempt a Man that he knew not, and a very imprudent thing, that he ſhould ſuborn a Witneſs, to ſwear againſt a Man that the Witneſs to be ſuborned did not know. But I ſhall ſay no more of him, becauſe I think upon the Account that has been given of him by a Noble Earl of this Houſe, and an Honourable Member of the Houſe of Commons, if he had ſaid things in themſelves probable, he deſerves not in the leaſt to be believed.

My Lords, Next Witneſs upon the ſame Head of Subornation was one *Murral*, a poor Barber; and what ſays he? He teſtifies that Mr. *Dugdale* did offer him 50 *l.* to ſwear againſt Sir *James Symons* and ſome others. *My Lords*, Whether this be probable or no, we muſt leave to your Lordſhips. We have called Witneſſes that prove him a Man of no Reputation, one that runs up and down the Country, a kind of vagabond, and I think (upon the Endeavours that have been proved to have been uſed as to others) it is no very hard matter to bring a Man of his Condition to ſay as much as he hath done.

The next Witneſs is *Samuel Holt* the Blackſmith; and he tells ſuch a Story, that if it were true, would be ſome Diſparagment to *Dugdale*, and what is that? He ſays, That *Dugdale* ſent a Man and a Horſe for him, to bring him to the *Star* in *Stafford*; and there offer'd him 40 *l.* to ſwear that one *Moore* carried away *Evers*. *My Lords*, How this Story comes in I cannot imagine, why Mr. *Dugdale* ſhould bear any ill will to *Moore*, or what ſhould induce him to intice this Man to ſwear againſt *Moore*, or what elſe was in it, it doth not appear. But no matter what it is for; we prove againſt this Man by two Witneſſes, *Rawlins* and *Lander*. By the Firſt, that he is a Man of ill Reputation, very zealous to ſupport the Plot, and cry down Mr. *Dugdale*, ſaying, that he was a Rogue, and all they were Rogues that took part with him. And by the other Witneſs *Lander*, that *Holt* did make an Aſſault upon him, and would have killed him for being ready to appear againſt my Lord *Aſton* at his intended

Tryal.

Tryal. So that he is a Man that has more Zeal than Honesty: Zeal in no good matter, namely to hinder the Truth from coming out against my Lord *Aston*; and therefore we have little reason to wonder: Nay, all the reason in the World to believe, that he says that which is untrue about Mr. *Dugdale*.

My Lords, There was another Witness, Mr. *Lydcott*, that said, he was a Fellow of *King's Colledge* in *Cambridge*. He has offer'd no Proofs that he was so; and truly it is very improbable he should be so: For I hope Fellowships in the University, especially in one of the Chief Colledges (as this is) are bestowed upon more deserving, and less suspitious Persons than he appears to be: A Man that owns himself the continual Companion and Secretary of one so famous in the Popish Party as my Lord *Castlemain* is: A Man that pretends he was never out of his Company; and a Man that owns, that two Years since, he was taking of Notes at a Tryal for this Plot, not only for his own Curiosity, but for the Service of his Lord, who was concerned in the Accusation. That this Man should be a Fellow of *King's Colledge*, seems strange, and till it be better proved, will hardly be believed; nor will he deserve any Credit. It is true, he doth acknowledge himself a Protestant, and to be of the Church of *England*, and Educated, as he says, a Presbyterian; but when he was asked, when he received the Sacrament last, I do not remember, that he gave *your Lordships* any Answer.

This Witness says, that he was at the Tryal of the Five Jesuites; and there *Dugdale* did swear, that he gave notice to Mr. *Philips*, and Mr. *Sambige* of Sir *Edmundbury Godfrey's* Death: And this they would make to be a great Fault in *Dugdale*, because neither *Philips* nor *Sambige* remember it. Now whether *Dugdale* swore true in that or no, does not depend upon *Dugdale's* own Credit alone; but you have heard other Witnesses have made it appear, that he did swear true: So that we need not say any thing more to this Witness, nor to *Gifford*, who testifies to the same purpose; because that point, as to the Report of the death of the Justice of Peace is by other Witnesses clearly proved.

And as for Mr. *Sambige*, I do not wonder much, that he should say, he did not hear it, because he could hardly hear what was said to him by the Court, or any of the Officers set near him on purpose. But, *My Lords*, I desire *your Lordships* to take notice, that he was a very angry Witness; he said, he had formerly had a Controversie with *Dugdale*, that *Dugdale* had cited him into *Litchfield* Court, and had there a Suit against him for Defamation; and he said that against *Dugdale*, which, unless better proved, must needs make *Sambige* much suspected: He said, that *Dugdale* was the wickedest Man on Earth; but what Proof he offer'd of that, or whether he did instance in any one particular, I leave it to *your Lordships* Memories.

My Lords, There is another Proof relating to Mr. *Dugdale*, not out of the Mouth of a Witness, but out of a Paper, which I desire to give an Answer to. It was an Objection, the Prisoner at the Bar was pleased to make to *Dugdale's* Information, taken the 24*th*. of *Decemb*. 1678. before the Justices in the Country, wherein he had said to this purpose, Presently after one *Howard*, Almoner to the Queen, went over, he was told by *George Hobson*, that there was a Design, *&c*. This, saith My Lord, is most impossible to be true: For you say, that immediately after the Almoner was gone away, *Hobson* told you this, whereas *Hobson* went away with the Almoner; and he came not to live with My Lord *Aston* till many Years afterwards.

This my Lord is pleased to offer as a falsification of *Dugdale's* Testimo-

ny; but, *My Lords*, I do desire to observe that this is an Information taken before two Justices of Peace in the Country; and if you look upon it, you will see it was written by a Country Clerk, and not very skilfully done. 'Tis rather short Notes of an Examination than a complete Examination. And *your Lordships* will please likewise to observe, that this is not really an Expression that is clear one way or th'other, but capable of two Senses, that is to say, either it may import *Hobson* told him there was a Design ever since the Almoner *Howard* went away; or it may import *Hobson* told him presently after the Almoner went away that there was a Design. Read but the words with a different Comma, and it makes the Sense one way or t'other. Now it is plain *Dugdale* could not intend that *Hobson* told him so as soon as the Almoner went away, because *Hobson* went away with the Almoner. And it was better to his purpose, that *Hobson* should tell him so after his return than before, for that shews the Design had been long a carrying on.

Therefore it being a doubtful Expression that may referr either to the Time he told it him, or to the Matter he told him of, and being taken in the latter Sense, the Objection faileth: I think this Matter can have no weight at all in it to falsifie a positive Testimony.

My Lords, the next Witness we did call, and which was objected against by my Lord was Dr. *Oates*; and truly I must observe, that his Lordship was not pleased to call any one Witness materially to falsifie Dr. *Oates* his Testimony; and I must likewise observe, that Dr. *Oates* is in the material part of his Evidence supported by other Evidence.

When Dr. *Oates* gave Evidence at former Tryals, it was the common Discourse of the men of that Religion, that Dr. *Oates* had never been in *Spain*, nor had ever any Credit with the Priests or Jesuites, but was a mean contemptible person, and that all he said was improbable. But now *your Lordships* have heard that Dr. *Oates*, even by the Testimony of *Dennis* a Popish Priest (that is so to this day) was in *Spain*, was according to what he saith, brought up in the Colledge of the Jesuites, that he was in such esteem there, that the Archbishop of *Tuam* commended him very much in the presence of *Dennis*, and spoke of what expectation there was of him. So that *Dennis* the Priest doth support Dr. *Oates* in some parts of his Evidence. I do not speak of that part of it which concerns this particular Lord, but of his Testimony touching the general Plot.

There is another thing wherein Dr. *Oates* is supported by another Witness, and that is the esteem and intimacy he had with the Jesuites. For Mr. *Jenison* Swears, that Dr. *Oates* was a man in esteem among them, that he was at *Ireland's* Chamber, and had discourse with *Ireland*, and did appear to be freqnently imployed by them. And I take these two Witnesses to be a great support to Dr. *Oates*, as to the General Matters which he evidenceth of the Plot.

What now doth my Lord object against Dr. *Oates*? He call'd no Witnesses against him, but only an Honourable Earl of this House, I think I may name him, the Earl of *Berkley*: And that which his Lordship was pleased to testifie against him was,

Obj. That being examined at the House of Lords after he had given a long Evidence against many persons, he was asked this Question, Whether there were any more Persons of Quality he could speak against, or could accuse, and he said no.

Answ. First, your Lordships will be pleased to observe, that this was after he had accused my Lord *Stafford*, my Lord was secured in the *Tower* long before that upon Dr. *Oates* his Testimony, and so he could not exclude this Lord. But that which it is brought for (I suppose) is to make him

him a Perſon of no Credit; For after he had ſaid this, he proceeded to an Accuſation of the Queen. *My Lords*, I humbly conceive this may receive a very fair Anſwer. For,

Firſt, *My Lords*, I appeal to *your Lordſhips* memories (for, I think, the Matter was before you all, or at leaſtwiſe before ſome of *your Lordſhips*) that the Accuſation which Dr. *Oates* made of the Queen was not poſitive, nor of his own certain knowledge, but words which he heard ſpoken in a Room in which he was not himſelf, but coming in afterwards, he ſaw the Queen was there. So it was not poſitive, but circumſtantial proof, and queſtionable whether what he teſtified would amount to the proof of one Witneſs.

And I muſt obſerve in the ſecond place, it might not be ſo clear to Dr. *Oates*, whether the Queen were a Perſon capable of an Accuſation, ſo as to be proceeded criminally againſt, the King and the Queen are to ſome purpoſes but one perſon in Law. 'Tis, true ſome Queens have been tryed for Treaſon; but whether Dr. *Oates* underſtood that She might be brought to a Tryal may be a Queſtion.

But, that which I rely upon as an Anſwer, and which I deſire may be conſidered, is, that Dr. *Oates* had given an Accompt of a great many perſons, and a great many things he had ſworn againſt ſeveral perſons, ſome of which were executed, ſome to be tryed, and his *Narrative* againſt them, and of the whole Plot conſiſted of a great number of particulars. Here is a Queſtion comes to the Doctor on a ſudden, *Have you any more to ſay, or can you ſpeak againſt any other?* 'tis poſſible a man that had ſaid ſo much, and of ſo many, might not upon an inſtant recollect whether he had ſaid all, or againſt all that he could ſay: Nay, 'tis eaſily to be imagined he could not on a ſudden comprehend all he had ſaid or could ſay. Therefore that the Anſwer of a man to ſuch a Queſtion, put ſuddenly to him, having ſo much in his mind, and having ſaid ſo much, ſhould be taken ſo very ſtrictly, and to hold him as Perjured, becauſe he did not at that inſtant time remember this particular of the Queen, I think is a ſevere conſtruction.

His Lordſhip is pleaſed, further to object againſt Dr. *Oates*, that he is of no Credit; why? Becauſe he went to be of the *Romiſh* Religion, and ſo was of that Religion which is Idolatry: I ſuppoſe his Lordſhip will not call that Religion Idolatry at another time, and in another place; but it ſerves his Lordſhip upon this particular Occaſion, to call it ſo; but ſuppoſe Dr. *Oates* did, out of Levity, or for want of being well grounded in his own, turn to another Religion, he is not the firſt man that hath done ſo: There have been Men of great Fame in our Church, and of great Learning too, that have changed their Religion more than once. I think he that knew that Famous Man Mr. *Chillingworth*, could not but know he was firſt a Proteſtant, and afterwards a Papiſt, and afterwards a Proteſtant again: So that unleſs my Lord could accuſe the Doctor of ſome great Crime, or Immorality, it will be hard, that the matter of changing his Religion, ſhould hurt his Teſtimony. I am ſure, it was happy for us he did change; without that, we had not had the firſt knowledge of the Plot, nor of many particulars which he could not come to know but by occaſion of that Change.

My Lord was pleaſed to object, that the Doctor was a Man ſubject to Paſſion; and he brought in the Lieutenant of the Tower, to ſpeak of ſome hot Words that paſſed between them. *My Lords*, I will allow the Doctor to be a Man of Paſſion: Nay, if my Lord pleaſe, a Man that is not of the deepeſt reach; but *your Lordſhips* will obſerve, that Paſſionate Men, are not often malicious; and that a Man who is not of a deep Judgment,

Judgment, could never have contrived and invented a Narrative consisting of so many particulars, and they so coherent, if they were false: And if his Narrative be not true, he must be indued with more Subtilty and wicked Policy, than upon Tryal we can find in him: So that what my Lord hath objected as to his Infirmities, is no Diminution to the truth of what he says, but rather a Confirmation of it.

My Lords, The last Witness whom my Lord endeavoured to impeach, is Mr. *Turbervill*; and against him my Lord thinks he hath a great Advantage: But, *My Lords*, by that time I have re-minded *your Lordships* of what hath been already said, and what was before proved in Answer to my Lord's Objections against him, Mr. *Turbervill* will stand as clear in this Court, as any of the former Witnesses.

Your Lordships will be pleased to take Notice, That Mr. *Turbervill* was at the beginning, when he came to the House of Commons, a little uncertain, as to matter of Time: For when he had made in his Affidavit, the times to be (73) and (75) he craved leave to alter it to (72) and (75) Surely, *My Lords* this will be far from being any Imputation to Mr. *Turbervill*, because; First, he gives the Reason, how he came afterwards to understand the Time better, by viewing his Papers and Letters; he likewise gives you an Account, and so did Sir *William Poulteney*, when he did this, the next Morning, before any Man in the World had questioned him upon it: So that it shews the Man's Care and Conscience both, when he is so careful, even in matters of the smallest Moment to set things right.

There is no Man that knows the Practice of the Court of *Chancery*, but knows, that for a Man to mend his Answer after it is sworn in a Point of Time, or other Circumstance, is no Disparagement to him: Nay, to do it, before the other Party did except or take notice of it, is no Objection, but rather a Reputation to him: And *your Lordships* will be pleased to take notice, that one of the times rectified, is of 7 or 8 Years, the other of 4 Years Standing. And I do not think the worse of a Witness that is not positive, in a time, when that time is so far elapsed.

The next matter is, That this man was never with my Lord; how was that proved, for 'tis a Negative? Why, my Lord is pleased to call his own Servants, *Furneſe* and the Boy *Leigh*, and what say they? they never saw any such man. *My Lords*, I desire *your Lordships* to observe, That Mr. *Turbervill* was introduced by greater Confidents than either of these Servants. Mr. *Turbervill* came in the Company of the Priests, and you hear the Boy deny that he knew *Anthony Turbervill*, but not that he knew Father *Turbervill*, nor doth my Lord, himself deny it, nor doth either Master or man deny my Lords correspondency with the other two Fathers. And it might be very easie for Mr. *Turbervill* to come in the Company of the Priests, and the Boy not take particular notice of him. And 'tis as little an Objection what my Lord says, that *Turbervill* himself said he did not know the Boy; how many are there that come to the Houses of another; and unless they Lodge there or dine there often, do not remember the Servants of the House: And 'tis no greater an Objection, to say, the Servants did not know him: The Priests they knew him; they were his Guides; they were the likeliest to gain him Admittance, not only into my Lord's House, but into my Lord's Heart.

My Lords, Your Lordships will be pleased likewise to observe, They have also gone about in very little matters, to disprove Mr. *Turbervill*, as that whereas he says, he was not well used by my Lord *Powis* and his Lady, when he returned from *Doway*; that he was very well used; and as one Witness (I think *Minhead*) says, he was permitted to lie in a Room near my Lord's Chamber. *My Lords*, Mr. *Turbervill* does not pretend

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to ſay, that my Lord *Powis* ſhut him out of Doors; but what Reproaches or unkind Words might paſs between them in private, *Minhead* might not hear: So that to ſay, that he lay in my Lord's Houſe, is no Anſwer to this Matter. And for the other Witneſs (his Brother) that ſpeaks of his Kindreds being kind to him, that, under favour, does not at all diſprove him; for, what was the Kindneſs? His Brother and Siſter were ſo kind as to give him 7 *l.* never to ſee him more; a great matter when a Younger Brother lies upon a Family, that the trouble of his Stay there is redeemed at the price of 7 *l.* This was a very great Kindneſs, a Kindneſs indeed that one would ſcarce deny to a Stranger, if in Poverty. I mention the leaſt matters I can remember, becauſe I would have nothing ſtick with your Lordſhips.

Then Secretary *Lydcott* (the Fellow of *Kings Colledge*) was called again; but indeed, *My Lords*, he was ſo out in his Arithmetick, ſo miſtaken in the Year; and uſed the New Stile (the *Romiſh*) ſo much more than ours, that it makes me ſuſpect he is not ſo great a Proteſtant as he pretends to be. He promiſed us his Book, which he was not then prepared to produce; but becauſe we do not hear of him, nor of his Book ſince: We ſay no more of him.

My Lords, *John Porter*, my Lord *Powis*'s Butler comes next, and what does he tell your Lordſhips? Why, that Mr. *Turbervill* came not to *Powis*'s Houſe (it ſeems he did not appear there) but that he came to a Victualling Houſe hard by; and he telling *Turbervill* he muſt know ſomething of the Plot, he denied that he knew any thing. To the ſame purpoſe, or rather to leſs, and more improbably, does *Yalden* (the Gentleman of *Grays Inn*, as he calls himſelf) teſtifie, who ſays, that walking in *Grays Inn* Walks, he had Diſcourſe with *Turbervill*; and that he then ſwore, there was no Trade good now but that of a Diſcoverer; and damned himſelf becauſe he could make no Diſcovery. Truly, *My Lords*, this looks in it ſelf to be ſomething prepared for the purpoſe: It is not probable, that a Man that ſhould uſe thoſe horrid Oaths, and ſhould have ſuch a mind to be a Diſcoverer, ſhould diſable himſelf ever to be ſo by ſwearing he knew nothing.

But I will not only anſwer that matter, with ſaying 'tis improbable; but I ſhall deſire your Lordſhips to remember, that Mr. *Powel*, a Gentleman of the ſame Houſe, and of good Reputation, does ſwear, that *Turbervill* did acquaint him, that he could diſcover a conſiderable matter; and this was above a Year ſince. And Mr. *Arnold*, a Member of the Houſe of Commons does confirm it, that he did ſeveral times acquaint him, that he could make an important Diſcovery; and gave him ſeveral reaſons, why he thought not fit to do it at that time, becauſe of the Dangers which might ariſe from ſome Great Men; and therefore till he had a more convenient Opportunity, he would not diſcover. But as ſoon as the Parliament ſate, very early he did begin to diſcover: So that I ſhall oppoſe the Teſtimony of Mr. *Powel* and Mr. *Arnold*, to the Teſtimony of my Lord *Powis*'s Butler, and Mr. *Yalden*; the latter of whom, ſpeaks ſo improbably, and of a Diſcourſe half a year ago; whereas Mr. *Powel* ſpeaks of what Mr. *Turbervill* ſaid above a year ſince, and Mr. *Arnold* of a longer time.

My Lords, It hath been ſometimes objected, that Mr. *Turbervill* was a Stanger to my Lord; and it was too great a Truſt to commit to a Stranger; too great a Secret for a Stanger to be acquainted with: My Lord's Deſign of the King's Death was too great a matter to lodge with one, with whom my Lord had no more Acquaintance than he had with *Turbervill*.

Your Lordſhips will be pleaſed to obſerve who they were that did introduce him, and who probably gave the beſt Character of him: they were the three Prieſts; and I do not wonder when theſe Prieſts had brought my Lord up to ſuch a purpoſe, that they ſhould prevail with his Lordſhip to give Credit to, and deal with a Man that was not very unlike in his Circumſtances to attempt ſuch a Buſineſs: For *your Lordſhips* will obſerve, he was a man that was very ſtout; for againſt my Lord's reflection upon him as to Cowardiſe in deſerting the Army, Mr. *Turbervill* hath produced the Certificate of his diſmiſſion, which gives him a very good Character. Beſides, he was a man indigent, and therefore I think there could not be a fitter man choſen for the purpoſe, if he had been ſo void of all Grace as to undertake it. And that Prieſts having gotten a man ſo qualified, as they thought him, were not likely to let ſlip ſuch an opportunity.

But, *My Lords*, to come to that which is the ſum of the Buſineſs, and which my Lord layes more weight on than all the reſt; and that is the Affidavit which Mr. *Turbervill* ſwore before the Juſtices of the Peace (which was in effect what he informed the Houſe of Commons) and in that Affidavit, beſides his alteration of Times (which I have ſpoken to already) it is objected that he does ſay that which is manifeſtly untrue: For he ſayes my Lord came by the way of *Calice* with Count *Gramont*, neither of which my Lord did do.

My Lords, I will not mention the Maſter of the Yacht, nor the Witneſſes from the Admiralty which make out that my Lord came from *Diep*, and not from *Calice*. Nor do I deny that my Lord came by himſelf, and not with Count *Gramont*, and therefore 'tis moſt certainly true, that what *Turbervill* ſwore, as to thoſe two particulars, was not true. Yet if your Lordſhips pleaſe to obſerve the Circumſtances, tho' what he ſwore herein was not true, it will appear a very innocent miſtake.

For in *Turbervill's* Affidavit he tells your Lordſhips, that he came away without my Lord to *Diep*, and came from *Diep* to *England* before my Lord *Stafford* left *Paris*. Mr. *Turbervill* tells you, afterwards my Lord came from *Calice* with Count *Gramont*; Mr. *Turbervill* could not poſſibly be thought to ſpeak this of his own knowledge, becauſe he does in the ſame Affidavit tell you too, that he came away before my Lord, and had not his paſſage with him. So that, *My Lords*, I deſire you would obſerve, it could be no Deſign of his to affirm this of his own knowledge: For if it were, he took a very ill courſe to diſcloſe in the ſame Affidavit that he was abſent, and ſo could not ſpeak of his own knowledge. And, *My Lords*, ſuppoſe a man did ſwear ſuch a man and he were in ſuch Company, and that he came home and left the man there, and that afterwards the man ſaid ſuch and ſuch things in that Company, what ſhould I ſay of this Oath? I might well ſay the words of his Oath were not proper, or that he was unwary in expreſſing himſelf; but I could not ſay, nor would any man juſtly be able to ſay he had a Deſign to make the world believe he heard him ſay ſo, becauſe he ſwears in the ſame breath he came away before the Words were ſpoken. If Mr. *Turbervill* had underſtood how ſtrict and nice a man ought to be in expreſſing himſelf in an Affidavit, he would have ſaid (as he had been told) my Lord came by *Calice*, and that Count *Gramont* came with him, as he underſtood. 'Tis true he hath not put in thoſe words, but I beſeech you, when the matter it ſelf will bear it, nay, when 'tis moſt apparent that Mr. *Turbervill* could have no other meaning than to relate what he was informed by others, and what he could not know himſelf, what corruption, what obliquity can there be in this Oath? All that can be ſaid is, it was not cautiouſly worded; but it does certainly diſcloſe ſo much in it ſelf, that every one that hears it muſt

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ſay, That he did not take upon himſelf to ſwear it as of his own knowledg, becauſe he tells you he was not there, ſo that it was rather want of knowledge how to expreſs himſelf properly, than any corruption in his Oath, or forſwearing himſelf.

But ſays my Lord, how ſhould he come to know this? Why Mr. *Turbervill* ſaid he had a Letter whereby he knew my Lord would come by the way of *Calice*, but where is that Letter? Is it neceſſary to keep, or does any man almoſt keep Letters of no greater concernment than this, that my Lord writ him word how he would go by the way of *Calice*, and this after five years, and after he was in the Wars, and where I have heard he was taken Priſoner. To be ſure he was much tumbled up and down from place to place. And under all theſe circumſtances might not ſuch a Letter be loſt? But, *My Lords*, I beſeech you are there not ſome proofs that look much this way, made out by another Witneſs? Does not Mr. *Mort* tell you ſomething of this Nature. Firſt he agrees as to the matter of an Engliſh Lord lying about ſuch a Street in *Paris*, he tells you he was with Mr. *Turbervill*, and that he himſelf walked about *Luxenburgh* Houſe whilſt Mr. *Turbervill* went to ſpeak with that Engliſh Lord: he does ſay he believes his name was my Lord *Stafford*, but he is not poſitive; and the times which he ſpeaks of do agree with what Mr. *Turbervill* depoſeth. And there is one thing, which tho' I ſhould not mention upon any other occaſion, becauſe it was but a fooliſh Joke, yet I ſhall crave leave to ſpeak of it now. He tells you, That one day, while they were at *Diep* in expectation of my Lords coming, and hearing that he went another way, they had this piece of minute Wit upon it, *Curſed is he that relies upon a broken Staff*: whereby he thinks was meant the Name of *Stafford*. So then, I beſeech you, if *Mort* ſay true, are not here footſteps, and a foundation whereon to ground a belief, That there was a Correſpondence between *Turbervill* and my Lord, and that Mr. *Turbervill* had an Information that my Lord would come by the way of *Calice*. And one thing more *Mort* ſayes, that *Turbervill* told him, if he would make haſte to *Calice*, he might go over with my Lord. And here I would obſerve, how ſhould Mr. *Turbervill* come to know that my Lord went that way? and how ſhould he tell *Mort* that he might go over with my Lord from *Calice*, unleſs he had receiv'd ſome ſuch Information? Therefore, *My Lords*, taking into Conſideration what is confirmed by *Mort*, and taking into Conſideration the whole ſcope of the Affidavit, I cannot ſee that there can be any material Objection againſt Mr. *Turbervill* for ſaying, That my Lord came by *Calice* in the Company of Count *Gramont*.

My Lords, I have done now with the Witneſſes, and I told you as I went along (becauſe I would not trouble you with a double Repetition) what Evidence we have given in contradiction to thoſe Witneſſes which my Lord hath brought in order to defame our Witneſſes.

But, *My Lords*, I am to acquaint you, That beſides theſe particular Anſwers, *your Lordſhips* have had men of very great Credit brought to teſtifie the Reputation of Mr. *Dugdale* and Mr. *Turbervill*. As to Mr. *Dugdale* we have brought men that have known him a great while; one hath ſworn what Opinion even my Lord *Aſton* himſelf had of him: for it ſeems he lived with ſo much Credit there, that he would not believe any ill of him. You have heard from other Witneſſes how he did behave himſelf. It was Objected ſometimes Tradeſmen were not paid; but what then, can a man pay without money? I believe there are ſome Lords here, whoſe Stewards are very honeſt men, and yet the Tradeſmen ſuch Lords deal with, are not always readily paid.

He

He was, as you Obſerve, believed to be in the Plot, and my Lord's Servants ſay he ſeemed much troubled about it, he went away upon that Account, and was ſo much concerned, that he burnt his Papers, which I make uſe of for two Purpoſes, The one to ſhew that he did apprehend he was in great danger; th'other to ſhew what was the Reaſon why the Letters and Papers he ſpeaks of are not now produced, becauſe he looked upon himſelf, and them who were then his Friends, to be in ſuch danger by them, that he burnt them.

My Lords. I know *your Lordſhips* will take notice that there hath been a very good Account given you, how it was that *Dugdale* came to be prevailed upon to make a Diſcovery of the Plot, it was with great difficulty; there were indeed perſwaſions uſed by ſome of his Friends to bring him to it. The Juſtices, as they themſelves have ſworn, endeavoured the ſame thing, but all without ſucceſs. Then the Coroner Mr. *Southall* (who tho' he was no great, yet ſeems to be a very underſtandding man) takes him in hand, and he had the good Fortune to ſucceed. I call it Good, not only for Mr. *Dugdale*, but for the Nation. I ſhall not trouble *your Lordſhips* with the particulars of the Arguments Mr. *Southall* uſed to him, but 'tis plain (If you believe Mr. *Southall*, whoſe Credit is now ſupported by an Honourable Lord, and by a Member of the Houſe of Commons) that *Dugdale* did at the firſt time that he did make a Diſcovery, depoſe as much in ſubſtance againſt this Lord, as now he does. And from thence I deſire to make one Obſervation, and that is this:

'Twas impoſſible it could be a Contrivance among the Witneſſes themſelves to depoſe the ſame Crimes againſt this Lord; for Doctor *Oates* never knew Mr. *Dugdale* till *Dugdale* was brought up, which was long after Doctor *Oates* his Accuſation of this Lord; nor could *Dugdale* know what Evidence *Oates* had given here, for *Dugdale* was a cloſe Priſoner in *Stafford* Gaol before *Oates* accuſed this Lord, and long after. And yet the firſt Evidence *Dugdale* gives againſt this Lord doth in ſubſtance concur with that given by Doctor *Oates*. So that ſince there could be no Intercourſe nor Conference between them, but as much diſtance as from the Priſon Doors in *Stafford* to *London*, there could be no Contrivance between them for both of them to accuſe this Lord of the ſame Matters. And this I deſire may be looked upon by *your Lordſhips* as a Matter of great Weight to ſupport the Credit of the whole Evidence. And *Dugdale* does ſeem to be a perſon of an unqueſtionable Credit, and every one that hears him, muſt Obſerve he does give his Evidence with great Modeſty, and all probability of Truth.

There is another thing, *My Lords*, that I would pray *your Lordſhips* to obſerve; Theſe Witneſſes, Mr. *Dugdale* and Doctor *Oates*, do give ſuch an Evidence as is impoſſible to be given, unleſs it were true; for other Witneſſes when they are put out of the Road, and asked Queſtions they did not expect, are commonly to ſeek, and muſt pump for an Anſwer, and then anſwer with great difficulty and warineſs. But theſe two Witneſſes do not only anſwer with readineſs when you ask them any Queſtions, but what is contained in every new Anſwer doth add a further probability and confirmation to what they ſaid before. And I muſt needs ſay of them, I think it were impoſſible for any men in the World to contrive a Story of ſo many particulars, and ſo conſiſtent in every part of it, and yet the ſame ſhould be falſe; and which is more, after ſo many Tryals, not one material Circumſtance of what they ſay contradicted by any ſolid proof.

My

My Lords, There may be other particulars which I may have forgotten, I know not whether I obſerved that my Lord objected that we do not prove him a Papiſt, I hinted ſomething before about his coming to Maſſe to my Lord *Aſton*'s at *Tixall*, which is one ſort of proof of his being of the *Romiſh* Religion. Beſides his perpetual converſation with that Party, and his endeavours to promote their Religion and deſigns, all which have been fully proved: I think alſo my Lord deſerted the *Houſe of Peers*, for that he would not take the Teſt appointed by the late Act, *your Lordſhips* beſt know whether he did ſo or no. But *my Lords*, let him if he will be a Proteſtant, for this time, let that be ſuppoſed: If he were a Proteſtant, and ſhould be guilty of the offences proved upon him, he would not deſerve the more favour from *your Lordſhips*.

My Lord hath been likewiſe pleaſed in further proof of his Innocency to alledge that after the Plot was diſcovered, he had ſeven Poſts time to have eſcaped, and yet never fled. *My Lords*, 'Tis true he might have fled, ſo might *Colman* too, that *Colman* that left ſo fatal an Evidence againſt himſelf and all his Party under his own hand, and for that had reaſon to believe himſelf very Guilty, and ſo might the Jeſuits have eſcaped too, but that they had hopes the Oath of Secreſie and the means they had uſed to conceal their damnable deſigns would have been a ſufficient Security againſt revealing it. They had that opinion of their Prieſts, and of the fidelity and conſtancy of thoſe that had been ſeduced by them, and recommended by them, that they apprehended nothing leſs than a diſcovery. And thoſe other Perſons that were executed did all ſtay about the Town after the Plot was diſcovered, as well as this Lord ſtaid in the Country.

My Lord did very much complain, That our Witneſſes were not poſitive in point of time, I think *Dugdale* was poſitive enough as to the time of the offer of 500 *l.* but for other matters he would not confine himſelf to a Month, he talked of the latter end of one Month, and the beginning of another, I think he is the more to be believed; for I conceive unleſs a Witneſs hath ſome notorious Circumſtance in his memory to ſatisfie him about the certainty of the time (ſuch as was that of the Foot-race as to the time of the offer of 500 *l.*) it is rather a mark of preſumption than of ſincerity for a witneſs to be too poſitive as to the time. And is there ſo great a diſtance between the latter end of one Month, and the beginning of another that a Witneſs need to be poſitive as to the very day? But ſays my Lord, You talk of the beginning, it was the 12*th.* of *Sept.* ere I came thither, Does not every man count that till the middle of a Month, 'tis the beginning of a Month ſure, in common ſpeech it is ſo. Therefore I look upon that as a matter ſcarce worth the mentioning, I am ſure not worth the ſerious Anſwering.

But *my Lords* I muſt obſerve thus much, That what my Lord complains of as a fault in our Witneſſes, his own Witneſſes are guilty of. For I appeal to *your Lordſhips*, when they came to ſpeak of times, whether they did talk at the diſtance of a Month or Months, and ſometimes of years, and were leſs certain in point of time than ours.

But ſays my Lord, (for I am ſtill anſwering his Objections and you muſt take them as I find them) here is mention made by Dr. *Oats* of Letters, of many Letters, ſhew me ſome of thoſe Letters? ſhew me the Letter you carried to the Poſthouſe? *My Lords*, were thoſe Letters written to Dr. *Oats*? Did they belong to him? Or is it poſſible that my Lords Letter delivered by the Doctor to the Poſthouſe, ſhould now be ſhewn by the Doctor, or that the Letters writ to the Superior of the Society of the Jeſuits ſhould be produced by one that was a Novice of that Society? Does Dr. *Oates*

talk of any one Letter written to himself? You will then I suppose see no reason to expect those Letters should be produced by him that were not written to him, and the custody whereof belonged to others.

My Lords, I must observe to You, that there have been great Endeavours used to Invalidate our Testimony, we have had Witnesses called against Witnesses, and my Lord hath had that Advantage to do it, which perhaps was never given in any Case before, and which I hope will never be again. The Evidence hath been Printed and Published to the World before it hath been given. I say not that it was not necessary in this Case, which was a National Cause, and the Cause of our Religion; but I do say it would not be fit to be done in other Cases, for the notifying of the Evidence is the way to have it falsified and corrupted.

But notwithstanding all these Advantages, *My Lords*, I appeal to *Your Lordships* Memories what considerable contradiction hath been given. It is true, some Witnesses to that end have been brought before *Your Lordships*, but those Witnesses have been rendred incredible, by more credible persons; and I would desire *Your Lordships* to observe, That tho' my Lord hath failed of proving any Subornation in our Witnesses, yet we have proved much Subornation endeavoured by his Agents.

Your Lordships have the Record against *Redding* before You, and what Reference that hath to the Lords in the *Tower*, every one does remember, and my Lord is mentioned in that Record. And I might likewise mention the business of *Celier*, and what therein related to the Lords in the *Tower*, And I'le name but Two Witnesses more, that have been attempted upon in This Nature: There was *Wright* the Barber, all the Applications were made to him that could be, Money given, Letters writ, Insinuations that he was not to Swear, he was but to write, and that was easily done: or if he would be so kind to Swear it, he should never come into open Court, only go before a Justice of Peace. So that *Your Lordships* will Observe by what steps and degrees men were endeavoured to be suborned. And then *Launder* tells You what was offered to him to Perjure himself, how he was brought to *Tixall*, and what endeavours were used to make him Swear against our Witnesses.

These things are plain, both by Records and particular Proofs upon Oath. But *My Lords*, lest we should want proof of all, This very Lord (I pity him for it) hath been so unfortunate as to bring that Paper out of his Pocket, which *Wright* says he had money to frame, and was to Swear to. It seems my Lord had the Command of it, it seems to have been prepared for such a good time as This, and the producing of this Paper is as full a Confirmation of this point as can in reason be expected.

My Lords, I have been I fear too long already, and yet I fear, I have omitted as many particulars as I have mentioned.

My Lords, The Evidence is so strong, that I think it admits of no doubt, and the Offences proved against my Lord and the rest of his Party are so foul, that they need no Aggravation. The Offences are against the King, against His Sacred Life, against the Protestant Religion, nay against all Protestants, for it was for the Extirpation of all Protestants out of these Three Nations. I mean not of every one that is now so, but of every one that would have continued so, every one amongst us (if these Designs had been accomplished) must either have turned his Religion, or turned out of his Countrey, or have been burned in it.

'Tis a Design that appears with so dreadful a Countenance to *Your Lordships*, to this great Assembly, and to the whole Nation, that it needs not any words I can use to make You apprehend it. If the matter be fully proved (as I see no reason to doubt but that it is) I am sure

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Your Lordſhips will do that Juſtice to Your King and Countrey as to give Judgment againſt theſe Offenders, which will not only be a Security to us againſt them, but a terror to all others againſt committing the like Offences.

L. Stafford. I beg of *Your Lordſhips* to know whether You will give me leave to ſpeak a word. And *My Lords*, I ſhall not ſpeak any thing but as to a miſtake, Sir *W. Jones* hath made in two or three things. Pray *My Lords* may I put You in mind of them?

Sir *W. Jones*, If there be any miſtake pray tell us what it is?

L. Stafford, Firſt, *My Lords*, he did omit telling You that Mr. *Turbervills* Brother did ſay he came in (71) to my Lord *Powis*'s. Secondly, He ſays I have proved my ſelf a Papiſt becauſe I have not taken the Teſt. *My Lords*, the Teſt was ſince I was in the *Tower*, and whether I will take it or not, I do not yet know till it be offered me. The Third is This, that This Letter was in my Pocket which I produced to You, *My Lords*, I knew nothing what was in it, it was given into my hand as I ſtood here at the Bar. Fourthly, He ſaid *Hobſon* did go out of *England* with the Almoner, he did not ſo. Another thing he ſays, that I ſaid *Oates* was an infamous perſon becauſe he went to a Church that I ſaid was Idolatrous, I only ſaid it was ſo adjudged by Act of Parliament. I find *My Lords*, theſe things he is miſtaken in, and that *My Lords*, made me very willing to put You in mind of them.

W. 3. Teſt. p. 186.

L. H. Steward. Gentlemen, I would ask you whether you take any Notice of the Points in Law?

Sir *Fr. Win.* After the Fact is ſtated, *My Lords*, we ſhall.

Then Mr. Powle, *alſo one of the Committee appointed to manage the Evidence, proceeded further in Summing up of the ſame.*

Mr. *Powle*, *My Lords*, The Learned perſon that ſpake laſt, hath left very little for me to ſay in the Summing up of this Evidence; But becauſe this Noble Lord hath been pleaſed to alledge ſeveral Reaſons, from whence he would infer at leaſt a great improbability that he ſhould be guilty of the Treaſons whereof he ſtands Accuſed, I ſhall crave *Your Lordſhips* patience, that I may give Three or Four words in anſwer to thoſe particulars

My Lords, In the firſt place this Noble Lord was pleaſed to begin, and afterwards to continue his defence with making Proteſtations of his own Innocency; We very well know *Your Lordſhips* ſit now in the Seat of Juſtice, and whatſoever credit or regard *Your Lordſhips* pleaſe to give to the Proteſtations of a Peer in another Caſe, *Your Lordſhips* will proceed here only according to Your Proofs, and Your Evidence (*ſecundum allegata & probata*) and therefore all we ſhall ſay to this, is, that we hope our Proofs are ſo Clear and Evident, as will leave no room to *Your Lordſhips* to believe this Noble Lords Proteſtations.

Proteſtations of Innocency

In the next place, my Lord is pleaſed to alledge, and withal to lay ſome weight upon it, the voluntary Surrendring of himſelf to Juſtice, and he laid it down as a Rule, that as flight is an Argument of guilt, ſo the ſurrendring of a mans ſelf to the Tryal of the Law, is an Argument of Innocency.

My Lords, We admit the Rule generally to be true; but in ſome particular Caſes it may be otherwiſe; for a man that is not very confident of his own Innocency, may yet be very confident of the ſtrength of his Party; and whether the Conſideration of the Circumſtances of affairs, as they then ſtood, and the power and prevalency of the Popiſh party at that

Rule Diſcuſſed

that time, might not reaſonably create ſuch a confidence in this Noble Lord, we muſt leave to *Your Lordſhips* Judgment.

My Lords, We do conceive that thoſe Perſons who contrived Sir *Edmondbury Godfrey*'s Murder, had ſo great Confidence in the favour and protection of ſome of their Party, that they thought themſelves able to out-face Juſtice.

And we verily believe, they intended it as an example to deter all Men from medling ſo much as with the taking an examination concerning this Horrid Plot.

My Lords, I deſire to be underſtood aright in this, I lay nothing of the Death of Sir *Edmondbury Godfrey* to the Charge of this Noble Lord, I only uſe it as an Argument of the preſumption of the Popiſh Party at that time.

My Lords, In the next place, my Lord *Stafford* did obſerve from my Lord *Coke*, that in the Tryals of Treaſons we ought very much to guide our Judgments by the Nature and Circumſtances of the Fact (the Concomitants and ſubſequents, as he termed them) with Reference to the Perſon accuſed, whether they were likely to induce or deter him from ſuch an Attempt, and here he was pleaſed to raiſe ſome Arguments from the whole Courſe of his Life, and did deſire *Your Lordſhips* to conſider thoſe Circumſtances therein that might make it improbable or impoſſible, that he ſhould commit a Treaſon of this Nature.

He deſired alſo *Your Lordſhips* to remember that he was deſcended from an Honourable Family, and that his Anceſtors were very Worthy and very deſerving Perſons, and ſuch as had often ventured their Lives in defence of their Country; And here he did likewiſe mention his own ſervices to the laſt King, and our preſent Soveraign, in the late Wars.

It is not my part, nor will I derogate any thing from the Merits of this Noble Lord, much leſs from the Honour of his Family, but in Anſwer to this we ſhall deſire *Your Lordſhips* to conſider, that this Noble Lord (however he is pleaſed to diſown it at preſent) is notoriouſly known to be a *Roman* Catholick (as they Call themſelves) and ſuch we conceive we have ſufficiently proved him to be, in the courſe of our Evidence: And as there is nothing in the World ſo much as a miſguided Conſcience that can ingage the beſt of Men into the worſt of actions, ſo we think the Principles of that Religion are ſuch, as are more likely to pervert Men from their Duty and Allegiance, than any other Religion or Perſwaſion whatſoever.

And if the Zeal of this Noble Lord did engage him to endeavour the eſtabliſhment of that Religion in this Kingdom, we may eaſily believe that his Reaſon did ſuggeſt to him, the means by which it muſt be effected, which could be no other but Bloud and Confuſion.

My Lords, The laſt thing I ſhall take notice of, is, what my Lord *Stafford* was pleaſed to ſay in General as to the Doctrine of Killing and Depoſing Princes, which his Lordſhip was pleaſed to call a private Opinion, and not the Doctrine of the Church of *Rome*.

But by the way, *My Lords*, give me leave to obſerve, that this Noble Lord did upon this occaſion fully own (and I much commend his Ingenuity in it) the reality of the Gun Powder Treaſon, ſince we know, how much that Party have endeavoured to render

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it Incredible; And as length of time hath ſo fully manifeſted the particulars of that execrable deſign, that it hath brought ſuch as are of that perſwaſion to confeſs the truth of it; ſo, we hope, this days Tryal will convince both the Age we live in, and all Poſterity of the truth and reality of this preſent Conſpiracy. But to go on with that Point from which I did digreſs, I am not I confeſs much verſed in the Canons and Councils of the Church of *Rome*, but, *My Lords*, this I know, the moſt famous and celebrated Writers of that Church, eſpecially of the Society of the Jeſuits, have publickly avowed and maintained this Doctrine; And we know in all times, when there hath been occaſion to put it in practice, it hath never failed to have been attempted; and we likewiſe know that the Church of *Rome* and the Pope have always avowed the Acts when they have been done; From all which we might very reaſonably conclude, that it is the Doctrine of that Church ſo to do.

But, my Lord is pleaſed to ſay, and I admit it for Truth; That a great many private Writers do hold the contrary; I believe it to be ſo, but I do alſo believe, that it is the Policy and Artifice of the Church of *Rome*, to leave this point of Doctrine in ſome meaſure undetermined, that ſo they may make uſe of it as the occaſion ſerves; For if it ſucceeds, then it is owned and Juſtified, if it miſcarry then the Doctrine is but a private opinion, and the Plot but the practice of particular Perſons that are either deſperate or diſcontented. And I am fully of Opinion, that This Horrid Conſpiracy which is brought this day in Judgment before *Your Lordſhips*, wants nothing but ſucceſs to canonize it.

My Lords, As to what concerns the Evidence, it hath been ſo fully ſtated to You, and the Objections that were raiſed to invalidate it, ſo well Anſwered, that I will not trouble *Your Lordſhips* with any Repetition of what hath been ſaid already: All we have further to deſire, is, That *Your Lordſhips* will pleaſe to take our Evidence into Your conſideration, and to do thereupon what ſhall be agreeable to Juſtice.

Mr. Serj. Maynard. *My Lords*, As to the Matter of Fact I ſhall ſay nothing but only this (and I wiſh it may be ſpoken with Gratitude to Almighty God,) that the Diſcovery of this Plot is rather the work of God than Man. It was firſt his Act in prevailing upon *Oates* to make the Diſcovery; and when he ſtood Single almoſt, what came to ſupport his Credit but the Letters of *Colman* which were like a Tally to what *Oates* had ſaid; for what *Oates* informs is in a great part made good by his Letters. Then when *Godfrey* was murther'd, how came that Diſcovery out but by the Voluntary Confeſſion of one engaged in the whole Plot, I mean *Bedloe*? So that though theſe Men had engaged themſelves by Wicked Oaths, yet their own Conſciences witneſſing againſt them in themſelves, they could not forbear coming in to teſtifie againſt themſelves. I ſhall ſay no more, than that we ought to acknowledge the Hand of God in the Diſcovery with great thankfulneſs, for it is he and he alone that out of his own Grace and Goodneſs hath done it, and thereby preſerved the Life of our Prince to us, and in Him us too.

But as to the Matter in Law.

My Lord has been pleaſed to mention firſt this, that there is no Overt Act. I wonder that my Lord ſhould be ſo much miſtaken. When it is charged in the Articles, and proved to his Face he received a Commiſſion, Is not that an Overt Act? He is charged in the Articles of Impeachment with

contriving the Death of the King, and being at ſeveral Meetings and Conſults about the King's Death, and hiring Perſons to Kill the King, and are theſe no Overt Acts? therefore as to that my Lord is miſtaken.

My Lords, Another Exception that is taken, is, that there is no Indictment. I conceive that an Impeachment of the Houſe of Commons is more than an Indictment. And there cannot be any doubt of that, the Impeachments of the Houſe of Commons having always been received and proceeded on by Your Lordſhips.

But that which is moſt inſiſted upon, is, that this Charge that is made againſt this Lord was preſented in another Parliament. It is true, but under favour, what is once upon Record in Parliament may at any time afterwards be proceeded upon. It is a ſudden Objection, but I conceive it hath been done. However in a Caſe of this Nature, when the Life of the King, when our own Lives, and our Nation, and our Religion lies at ſtake, if there were not a Precedent, I hope You would make a Precedent. But under favour, Reaſon is for it, the Charge is before You, the Proof is made, and we pray You will judge according as the Evidence hath been.

Sir *W. Jones*, *My Lords*, As to theſe matters of Law, I think they are of ſo little difficulty, that my Lord will not deſire to have Counſel aſſigned him, I am ſure his Counſel will not deſire to ſpeak to them.

For this laſt matter which Mr. Serjeant ſpoke of, and which was firſt named by the Priſoner, I deſire *Your Lordſhips* to conſider what it is. Says my Lord the Priſoner, there was an Impeachment begun in the Long Parliament, and this is now the Third Parliament in which I am brought to my Tryal. It is very true there was a General Impeachment in the Long Parliament, the particular one was in the laſt, and this Lord was pleaſed to plead in the laſt. It may be he was not ſo well adviſed then as he is now.

But *My Lords*, How can this be a doubt, when *Your Lordſhips* have reſolv'd, and have ſent it down to the Commons; and it is there entred in their Book, as the Law and Conſtitution of Parliaments, that not only Impeachments but all Judicial proceedings continue from Parliament to Parliament, in the ſame ſtate that they were in at the Riſing of the laſt Parliament.

This is now become the Law of Your Houſe, and it is under favour, being ſo, the Law of the Kingdom; and You having thus declared it, and ſent it to the Commons, I hope the Commons had very good reaſon to proceed upon this Impeachment at this time.

The next matter is concerning the Overt Acts, I think there are ſufficient Overt Acts in Proof and ſufficient in the Impeachment. Will any man deny that the receiving a Commiſſion to be Pay-maſter of an Army is an Overt Act? Will any deny that the ſending for the Witneſs and offering him money in order to hire him to kill the King is an Overt Act? and (which anſwers to all) will any man deny that the meeting and conſulting of ſeveral men together, about killing the King and changing the Government is an Overt Act?

My Lords, Theſe are all Overt Acts, and I cannot but think it was without advice of my Lords Counſel that he made theſe Objections; for indeed theſe ſeveral Overt Acts are laid in the Impeachment as fully as they are made out in Proof.

My Lords, There is another Objection that my Lord is pleaſed to make, and that is, that there is but one Witneſs to a Particular Fact.

L. *H. Steward*, Ay, What ſay you to that?

Sir *W. Jones*, That, *My Lords*, is of little weight, with ſubmiſſion; for

for our Impeachments, and our Proofs run to this, that my Lord had a Design and Intention to destroy the King, this was to be done by Force, and this was to be done by secret Assassination. Now if several Witnesses come and prove each a distinct Act, under this Head of killing the King, it is so many Proofs or Witnesses to the Treason.

For, *My Lords*, if a man shall intend to kill the King, and shall buy a Knife in one County at one time, and send for a man out of another County at another time, whom he shall hire to kill the King, and these distinct Acts are proved by several Witnesses, if they concur to the same general Treason, they are all but parts of that, and so are so many Witnesses to the whole. And so I am sure it was resolved in the Case of others of the Conspirators in the *Old Baily*; and before that in the Case of Sir *Henry Vane*. But,

My Lords, in this Case here is first a Proof, that he accepted a Commission, which I do not use as an Act for the levying of War only, but as a design to change the Government and destroy the King. Here is meeting and Consulting how to do this wicked work, I mean, to kill the King, that is another Overt Act; Here is offering money to one of the Witnesses for that end, that is a third Overt Act; and there is attempting another of them though not with money yet with Promises of Reward in general, that is another Overt Act, all which are to this end, the Killing of the King. And I am sure of it *Your Lordships* cannot but receive satisfaction from my Lords the Judges, that it hath always been so held, that though there need Two Witnesses to prove Treason, yet there needs no more than one to one Act, and another to another, if the several Acts fall under the same Head of Treason.

Sir *Fr. Winnington*. *My Lords*, I crave Your patience but for a word or two, and this Noble Lord will have little Reason to say his Objections in point of Law are of any weight. I confess he had said a great thing, if it were true, that the Articles of Impeachment did not alledge an Overt Act; for then indeed they had been apparently defective. But under his pardon, that is not a Point of Law but a Point of Fact. Let us therefore resort to the Articles themselves. In the Second Article it is alledged that he with the rest did most wickedly and Traiterously Agree, Conspire and resolve to Imprison, Depose and Murther his Sacred Majesty, and to deprive Him of His Regal State and Government. And then the same Article alledges farther, that they did Contrive and Consult to effect the Murther of the King, by Shooting, by Poysoning, and by Stabbing. All these particulars are expressed, so that when my Lord said the Articles were therein Defective, all we can say is, that he was misinform'd.

My Lords, There was another Exception taken, that this is the Impeachment of another Parliament. I must not now repeat how this Point was agreed by Both Houses at a Conference. But it was then declared upon search of Precedents in all Ages, that it was the Law of Parliaments, which is the Law of the Land, that if once an Impeachment by the House of Commons were lodged in the House of Lords, though that Parliament were Dissolved, the Impeachment remained in the same state. It was the Cause of the Commons of *England*, who only change their Representatives in a New Parliament.

It has been also Objected, That this Prosecution ought to have been upon an Indictment. As if an Accusation of the House of Commons who are the Grand Inquest of the Nation, were not as effectual to bring Offenders to Justice as the finding of a particular Jury. *My Lords*, I should wonder to hear this Objection made, were not my Lord to be easily excused

cuſed for his knowing the Law no better. None who know any thing in the Law would have urg'd ſuch a thing. His Counſel, I dare ſay, did not ſuggeſt this Matter to him.

It is true, *My Lords*, when a Peer comes to be Tried by way of Commiſſion, or in *Parliament* when it is not at the Proſecution of the *Commons*, there an Indictment is firſt found in the proper County, and brought up before the Peers by *Certiorari*, and upon that they proceed. But whether the Party be Peer or Commoner if he be Impeach'd for any Crimes, ſurely no one can deny, but that by the conſtant uſage of *Parliaments*, the Lords have proceeded to Trial, and have given Judgment thereupon without an Indictment found. So that this Exception will be of no force at all.

As for the remaining Objection, that there are not two Witneſſes to prove any one Overt Act, the Kings Perſon would be in no manner of ſafety, if that Doctrine ſhould be once allowed. Conſpiring to Kill the King is the Treaſon laid in the Impeachment, and the ſeveral Overt Acts are ſo many ſeveral Evidences of that Treaſon. Words themſelves if they ſignifie an Intention to do an Act, and expreſs ſomething to be done *in futuro* are a ſufficient Overt Act, and a legal Evidence of Treaſon. Then we prove by another Witneſs, not words of encouragement only but offers of Money, and they are both to the ſame kind of Treaſon though not to the ſame Act and at the ſame time. And if there muſt be two Witneſſes to every Single Act the King of *England* is not only in a far worſe Condition than any other Prince, but than any one of his own Subjects; Treaſons may be committed every Day with Impunity, and unleſs the Traytors be as great fools as Villains, he ſhall never be ſafe from them, nor capable of puniſhing them.

I muſt ſay it, and I ſay it with Commiſeration to the Condition of this Noble Lord, that his Exceptions in Law are as weak as the Anſwers he has given to our Evidence. We hope no doubt in Law remains with you, and that we have given *Your Lordſhips* full ſatisfaction of the reality of the Plot, and a Convincing Evidence of the great ſhare which my Lord *Stafford* had in it, and we humbly pray *Your Lordſhips* Juſtice.

L. H. Steward. You do not take notice of one thing that my Lord *Stafford* ſaid this Morning, That is, that the Witneſſes are not competent Witneſſes becauſe they ſwore for Money, and that is fit to be ſpoken unto, not for the weight of the Objection ſo much as for the ſatisfaction of the Auditory.

Sir *Fr. Winnington.* *My Lords*, I had taken a Note of that, but forgot to mention it. If my Lord at the Bar will ſay they have taken Money to ſwear, that is purely a Matter of Fact, which he ought to prove, and that which is ſaid and not proved ought to go for Nothing; let him prove his Caſe to be ſo, and then we will give him an Anſwer.

L. H. Steward. My Lord *Stafford* if your Lordſhip can prove that they have had Money to ſwear, your Lordſhip urges that which will be material; but if it were only Money to maintain them, that ſure will amount to no objection.

Ld. Stafford. *My Lords*, I ſubmit it to *Your Lordſhips* whether Dr. *Oates* and the reſt have not had great Sums of Money beſides their Charges, 10 *l.* a week a piece. But I deſire *Your Lordſhips* to conſider, and I appeal to many of *Your Lordſhips*, whether it has not been ſaid, that it was a defect in *Colman*'s and *Langhorn*'s Trials, that they did not plead that, and if they had pleaded it, they muſt have been acquitted, I will name no body, but I appeal to *Your Lordſhips*, whether ſome of you have not ſaid ſo. But I deſire *Your Lordſhips* to admit me to plead by my Counſel; if not, I ſubmit it to You.

I

I confeſs here is a piece of Law that I never heard of before, that the Houſe of Commons and your Lordſhips at a Conference, have adjudged it to be the Law of Parliaments, that Impeachments ſhall continue from Parliament to Parliament. If you will pleaſe to hear my Counſel for me, ſo, if not I ſubmit.

Lord High Steward. What would you, or can you prove?

Lord Stafford. My Lords, Thoſe things that I have given in to your Lordſhips, I deſire my Counſel may be heard to.

Lord High Steward. Gentlemen, what can you object why he ſhould not have Counſel to argue his Objections in Law?

Sir *William Jones. My Lords*, I do think under favour, if a Priſoner in a Capital Cauſe do deſire Counſel, he muſt not only alledge matter of Law to introduce that Deſire; but that which he doth alledge, muſt be alſo a matter of ſome Doubt to the Court: For if he do alledge matter which in it ſelf is not Diſputable, he ſhall have no Counſel allowed him. If your Lordſhips are not ſatisfied that it is the Law of your Houſe, that Proceedings upon Impeachments do continue from Parliament to Parliament, we cannot Anſwer that, it lies in your Lordſhips breaſts, it is not what we are to argue, becauſe it is a matter that concerns the Law and Rules of Parliaments. Is there, *my Lords*, any doubt of any other Point that is urged? Is there any doubt of this thing, whether if one Witneſs ſpeak to one point of Fact and another to another upon the ſame ſort of Treaſon, but that theſe be two ſuch Witneſſes as the Law requires? I pray then, *my Lords*, conſider the Conſequence of that Doubt: A man ſhall talk with twenty Perſons about a Deſign to kill the King in one and the ſame Room one after another, by taking them into a Corner ſingly, and if ten or all twenty come to prove it, here is but one Witneſs to each Diſcourſe. This would be a matter of dangerous Conſequence, but I hope will remain no manner of doubt with you, nor is it fit to be argued.

As to the Hiring of Witneſſes to Swear, I think that can be no point of Law till it be ſo proved in Fact. Doth his Lordſhip think, that when His Majeſty out of His Grace and Bounty allows a Maintenance to His Witneſſes, that that is an Objection to their Teſtimony. Doth not every man allow his Witneſſes a Maintenance, and yet it never was thought a thing to take away their Evidence. It may be every one doth not give ſo large an Allowance as the King, becauſe his Dignity is not ſo great. But can it be an Objection to the Houſe of Commons? Have we that are the Proſecutors maintained them? If His Majeſty have been bountiful to His Witneſſes, what is that to this Cauſe of the Commons? If my Lord can prove any thing of Bribery in us, as he has proved for us againſt himſelf, it may be an Objection. But till that Fact be proved, I hope there is no ground for a Queſtion in Law; and if there be no doubt in Law, I hope there will be no need of Counſel.

Lord High Steward. My Lord *Stafford*, What are the Points you would have Counſel to?

Lord Stafford. To all of them *my Lords.*

Lord High Steward. Would you have Counſel to the firſt Point, to argue what the Law of Parliaments is concerning the continuance of Impeachments from Parliament to Parliament.

Lord Stafford. My Lords, if you will declare the Law to be as theſe Gentlemen ſay, I muſt acquieſce.

L. H. Steward. Pardon me, my Lord, I do not declare the Law, but ask you whether you would have Counſel to argue that Point.

Lord Stafford. My Lords, I do ſay there is no Example of it, I know there have been Impeachments, but no Examples of Impeachments continued from Parliament to Parliament.

Lord High Steward. Then in the next place, for I ſhall propoſe your Objections to their Lordſhips by and by, and deſire their Judgment in them; Do you deſire to argue by your Counſel, that every Overt Act ought to be proved by two Witneſſes?

Lord Stafford. I do *my Lords*, I deſire my Counſel may be heard to all the Points I mentioned to your Lordſhips.

L. H. Steward. Have you Counſel ready to ſpeak to theſe Points now?

Lord Stafford. Yes, *my Lords.*

Lord High Steward. Are they prepared to ſpeak to them now?

Lord Stafford. They are *my Lords.*

L. H. Steward. If they be ſo, what hurt will there be in hearing of them?

Sir *William Jones. My Lords*, Whether you will hear an Argument from Counſel about the Law of Parliaments, I hope you will pleaſe well to conſider.

Sir *Fran. Win. My Lords*, We in the Houſe of Commons do never ſuffer any Counſel to tell us what is the Courſe of our Houſe and the Law of Parliaments; if your Lordſhips think fit to allow it, 'tis in your own Power, but we who are intruſted with the Management of this Cauſe by the Houſe of Commons have no direction to conſent to ſuch a thing.

Lord High Steward. We will hear Counſel to ſave time upon that Point, whether in proof of a Treaſon for killing the King every Overt Act ought to be proved by two Witneſſes.

Sir *William Jones.* If your Lordſhips make a doubt of it.

Sir *Fran. Win.* And if the Priſoner deſire it.

Mr. *Serjeant Maynard. My Lords*, We ſhall not oppoſe it, but I ſhall wonder if any Counſel do maintain it.

Lord High Steward. Are your Counſel ready to ſpeak to that Point?

Lord Stafford. Here they are *my Lords.*

Mr. Wallop *of the* Middle-Temple, *Mr.* Saunders *of the ſame Society, and Mr.* Hunt *of* Gray's-Inn *appeared by the Priſoner at the Bar as his Counſel.*

Mr. *Wallop.* May it pleaſe your Lordſhips, we are here commanded by your Lordſhips to Attend, that if any matter of Law do ariſe upon a Caſe proved, agreed, and judged by your Lordſhips debateable, then in due time we are to conform our ſelves to your Lordſhips command, and Argue thoſe Points for my Lord the Priſoner at the Bar. But if your Lordſhips do think that the Points urged by my Lord are not debateable in Law, I have ſo high an Opinion of your Lordſhips Judgment, and ſuch a mean opinion of my own Talent, that I ſhall not undertake to Argue *Extempore* in this great Aſſembly, in a Cauſe of ſo high a Nature.

Lord High Steward. Look you Sir, you are of my Lords Counſel.

Mr. *Wallop.* I am, *my Lords*, and by the Order of your Lordſhips do attend here.

Lord High Steward. If you think it an arguable Point, you will have the Judgment of *my Lords* afterwards. Will you argue it now?

Mr. *Wallop. My Lords*, I always thought if a Point be ſtirred in any Court and thought diſputable, it ſhould be ſtated and agreed before it be argued.

L. H. Steward. You are to argue for my Lord, and to know the Judgment of the Court afterwards: would you know our Opinions before hand.

Mr. *Wallop.* We would know what it is we are to argue if your Lordſhips pleaſe.

Lord High Steward. Why, if you are provided for it, you are to maintain that by Law every Overt Act ought to be proved by two Witneſſes, if you are prepared ſpeak to it and *my Lords* will hear you.

Mr. *Wallop.* It is true *my Lords*, there have been ſome publick Reſolutions concerning that Point, therefore I ſhall be the warier what I ſay in that;

But

But, *my Lords*, it is a Matter that has been thought of great import one way or other, but I do profeſs at this time I am not able to undertake a Solemn Argument upon that Point.

Lord Stafford. My Lords, I am ſo far from delaying this Cauſe, that I deſire it may be argued now.

Lord High Steward. Then you are not ready to ſpeak to it.

Mr. *Wallop.* No *my Lords*, I am not for my own part at preſent, for it is impoſſible we ſhould foreſee what would be the point, and to apply our ſelves to ſtudy an unforeſeen Caſe before it be agreed, ſtated, and judged worthy of Argument, cannot be expected from us. I have always obſerved it in the *King's-Bench*, if the Priſoner urge any thing and the Court think it debateable, they firſt agree and ſtate the Caſe, then aſſign Counſel, whom they do not urge to deliver an Opinion preſently, but give them time to prepare for it.

Lord High Steward. Mr. *Wallop*, it is not believed that this point is moved, but by your Advice that are of my Lord's Council, and you ſhould be ready to maintain the Advice you give, therefore if you are ſo, ſpeak. You have the Protection of the Court for the Counſel you give in matter of Law, and whatever Advice you give you ſhould maintain by the Law.

Mr. *Wallop.* Truly, *my Lords*, it is a Point that has, as I ſaid before, received ſome Settlement, but whether ever in this Court or no, I cannot tell. Therefore I did diſcharge my thoughts of providing any Argument till your Lordſhips ſhould have determined whether you will take the point upon the Reſolutions in the Courts below to be finally ſettled and determined.

Sir *William Jones.* So then it is agreed to be ſettled in the ordinary Courts.

Lord Stafford. I deſire alſo it may be argued, whether words are an Overt Act.

Sir *Francis Winnington.* It ſeems the Law is with us in caſe of a Commoner, but whether it be ſo for a Lord is the Queſtion.

Lord High Steward. My Lord *Stafford*, How comes it to paſs that your Lordſhip came prepared with Objections, but not with Counſel ready to argue them

Lord Stafford. Mr. *Wallop* has given you an Anſwer, I muſt ſtand by that.

Lord High Steward. Is it your Lordſhips pleaſure that we Adjourn?

Lords. Ay, Ay.

L. H. Steward. This Houſe is Adjourned into the Parliament Chamber.

Then the Lords returned to their Houſe in their Order, and the Committee of Commons ſtaid in their Places to attend their Reſolutions.

In an hours time the Lords returned, and my Lord High Steward *being Seated upon the Woolpack, Silence was Proclaimed.*

Lord High Steward. My Lord *Stafford*, *My Lords*, ſince they have been withdrawn, have conſidered of one Point, of that point chiefly which your Lordſhip did move touching the neceſſity of two Witneſſes to every Overt Act alledged as Evidence of High Treaſon, that is the point you have deſired Counſel to ſpeak to, and that is the point your Counſel deſired to know whether it was a doubtful or debateable point before they would argue it, and hereupon *my Lords* did withdraw to conſider it. And *my Lords* have directed, that all the Judges that aſſiſt them, and are here in your Lordſhips preſence and hearing, ſhould deliver their Opinions, whether it be doubtful and diſputable or no.

Then all the Judges Conſulted privately together, and afterwards gave their Opinions Seriatim, *beginning with the Lord Chief Juſtice* North, *the Lord Chief Juſtice* Scroggs *being abſent.*

Lord

Lord C. J. North. *My Lords*, I do here deliver my Opinion, and I am clear in it, That if their be ſeveral Overt Acts or Facts which are Evidences of the ſame Treaſon, if there be one Witneſs to prove one ſuch Overt Act at one time, and another Witneſs to prove another Overt Act at another time, both the Acts being Evidences of the ſame Treaſon, theſe are two ſufficient Witneſſes of that Treaſon, and will maintain an Indictment or an Impeachment of Treaſon. I never knew any doubt made of it in any Inferiour Court of Juſtice, and I have known it often reſolved.

Lord Chief Baron Montague. *My Lords*, where ever Treaſon is to be proved to every Overt Act two Witneſſes, as I conceive, are not required. If ſo be there are two Witneſſes to ſeveral Overt Acts conducing to a proof of the ſame Treaſon, I think they are Witneſſes in the Judgment of the Law ſuch as the Statute requires.

Mr. *Juſt. Wyndham.* I am of the ſame opinion with my Lord Chief Juſtice *North*, and my Lord Chief Baron, That if there be ſeveral Overt Acts done at ſeveral times tending to the ſame Treaſon, theſe ſeveral Acts being ſeverally proved by ſeveral credible Witneſſes, though but by one Witneſs at each time to each Act, the ſaid ſeveral Acts being Evidences of the ſame Treaſon; theſe are ſufficient Witneſſes of that Treaſon ſo proved, and will maintain an Indictment or (as I conceive) an Impeachment.

Mr. *Juſtice Jones.* *My Lords*, if ſeveral Witneſſes ſpeak to the ſame kind of Treaſon, although they ſpeak to ſeveral Overt Acts and give Evidence of ſeveral times, the one of them ſpeaking to one time and the other to another time, yet keeping ſtill to the ſame kind of Treaſon, they are ſuch two Witneſſes as are required by the Statute of *Edward* the *6th*, and this I take to be the conſtant Opinion of the Courts below.

Mr. *Juſtice Dolben.* *My Lords*, am of the ſame Opinion, and I know it hath been many times ſo reſolved, I have been preſent when Sentence hath paſſed upon Perſons by whom the ſame Caſe hath been urged, and it hath been ſo reſolved. And it hath been moved in *Weſtminſter-Hall*, and that was the conſtant Opinion of the Judges there; particularly in the Caſe of Sir *Henry Vane*. It was upon ſolemn Debate reſolved, and diverſe times it hath been held, that the ſame Treaſon may be proved by two Witneſſes to ſeveral Overt Acts, though one ſpeak of words or Actions that were ſpoken or done at one time and in one place, and another ſpeak of words or actions at another time and in another place, thoſe are two good Witneſſes in Treaſon within the intent of the Law, and if the Law were otherwiſe 'twere ſcarce poſſible to convict any man of Treaſon, and therefore I take it to be very clear.

Mr. *Juſtice Raymond.* I am of the ſame Opinion, That where ſeveral Circumſtances are brought to prove the ſame Treaſon, one Witneſs to each of the ſeveral Circumſtances is ſufficient, and this, I conceive, hath been always the Opinion of the Judges.

Mr. *Baron Atkins.* *My Lords*, I am of the ſame Opinion, That there muſt be two Witneſſes in the Caſe of Treaſon is a matter without Queſtion, but there are ſeveral Overt Acts that may contribute to the effecting of that Treaſon. If a man deſigns to kill the King, and buyes Powder at one place at one time, and a Piſtol at another place at another time, and promiſes a Reward to one to aſſiſt him to do the thing at a third place and a third time; theſe are ſeveral Overt Acts, but if the Law requires that each be proved by two Witneſſes I do not well ſee how any man can be Convicted of Treaſon. In the Caſe of Sir *Henry Vane* and others, this very Queſtion was ſtarted but was not thought worthy of Debate, if it ſhould be otherwiſe it would touch the Judgments which have been given upon this kind of proof, and what would the Conſequence of that be, but that thoſe perſons who were Executed

upon

upon those Judgments have ſuffered Illegally; And therefore I am of Opinion that it is not requiſite there ſhould be two Witneſſes to every Overt Act.

Mr. *Baron Gregory.* *My Lords*, I am of the ſame Opinion, it is Treaſon to Conſpire the Death of the King, Now each of the Witneſſes is a Witneſs to prove that Treaſon, the one ſays he offered him ſuch a Reward, in ſuch a place, that is one Witneſs to prove that he Conſpired the Death of the King, and another ſays, that he offered him ſuch a Reward in another place, that is another Witneſs that he Conſpired the Death of the King. For the party is not Indicted upon one particular Overt Act, but he is Indicted for Treaſon in Conſpiring the Death of the King, and each of the Witneſſes being to prove that, though they ſpeak to ſeveral Acts they are good Witneſſes according to the Law.

Mr. *Baron. Weſton.* *My Lords*, I am of the ſame Opinion with my Reverend Brethren who have ſpoke before me.

Mr. *Juſtice Charlton.* *My Lords* I am of the ſame Opinion, and I think truly it would be the eaſieſt matter for a man to Commit Treaſon, and eſcape without queſtioning, if it ſhould be otherwiſe. But this is the firſt time that I have heard it hath been made a Queſtion, that to the ſame Treaſon there muſt be two Witneſſes to every Overt Act. It hath been adjudged always according to the Law, that to prove Treaſon there muſt be two Witneſſes, but to any Overt Act there needs but one.

Lord High Steward. My Lord *Stafford*, By the uniform Opinion of all *my Lords* the Judges, there is no color to doubt the Law in that point which you deſire to argue; So that as to that point you muſt reſt ſatisfied, you are not to have Counſel to ſpeak to it. For the reſt I have no Commiſſion yet from *my Lords* to ſay any thing.

Lord Stafford. Will your Lordſhips give me leave to ſay one thing to what I have heard, I would anſwer, if I might only, to one Judge, I think they call him Judge *Atkins.*

Lord High Steward. Your Lordſhip may ſay what you pleaſe.

Lord Stafford. *My Lords*, I hear a ſtrange poſition, I never heard the like before in my life, and 'tis what he ſaid, if I am in the wrong I beg your Lordſhips pardon and his too. He told your Lordſhips the reaſon why the Law ſhould be ſo, was becauſe elſe a great many of thoſe perſons that have already been Executed muſt have been acknowledged unjuſtly Cut off and put to Death, that is an Argument I hope will not weigh with your Lordſhips or any body, for 'tis better that 1000 perſons that are Guilty ſhould eſcape, than that one Innocent perſon ſhould die, much more then that it ſhould not be declared, that ſuch a Judgment was not well given.

Lord High Steward. Look you my Lord, where many Reaſons are given 'tis eaſie to make a Reply to one of the leaſt among many, that was one Reaſon given, but the true Reaſon is this, if the Law were otherwiſe there would be great ſafety in Conſpiring the Death of the King.

Lord Stafford. *My Lords*, I ſay nothing further as to the reſt, but this ſtuck with me. I am ſorry to hear a Judge ſhould ſay any ſuch thing, and though I am in ſuch a weak and diſturbed Condition, I aſſure your Lordſhips my blood riſes at it.

Lord High Steward. Is it your Lordſhips pleaſure that we ſhould Adjourn?

Lords. Ay, Ay.

Lord High Steward. Then this Houſe is Adjourned into the Parliament Chamber.

The Lords withdrew in their Order, and the Committee of Commons went back to their Houſe.

Mr. *Speaker* Reſumed the Chair.

A Meſſage was ſent from the Lords by Sir *Timothy Baldwyn* and Sir *Samuel Clarke*.

Mr. *Speaker*, The Lords have ſent us to acquaint this Houſe; That they have Ordered *William* Viſcount *Stafford* to be brought again to the Bar in *Weſtminſter-Hall*, on *Monday* morning next at Ten of the Clock.

After which the Houſe of Commons Adjourned to eight of the Clock on *Monday* morning.

The Sixth day.

Monday December *6th.* 1680.

ABout the hour of Eleven in the morning, the *Lords* being Adjourned into *Weſtminſter-Hall* going thither in their former Order into the Court there Erected; and Mr. *Speaker* having left the Chair, the Committee of Commons were Seated as before.

The Court being Sate, Proclamation for Silence was made, and the Lieutenant Commanded to bring his Priſoner to the Bar, which being done the *Lord High Steward* began.

Lord High Steward. Read my Lord *Staffords* Petition.

To the Right Honorable the Lords in Parliament Aſſembled, The humble Petition of *William* Viſcount of *Stafford.*

Humbly ſhewing unto your Lordſhips, that he hath ſome things to offer unto your Lordſhips in order to clear himſelf, which he hopeth to do.

Your Petitioner doth therefore with all humility, moſt humbly beſeech your Lordſhips to give him leave to offer ſome things unto your Lordſhips Conſideration, And your Petitioner ſhall ever pray, &c.

Stafford.

Lord High Steward. My Lord *Stafford*, *my Lords* have been willing upon your Petition to come and hear what that is that your Lordſhip hath to offer: And they would know whether it be matter of Fact or matter of Law. For your Lordſhip muſt know, that as to Witneſſes the Proceſs is cloſed.

Lord Stafford. I do not pretend any more Witneſſes *my Lords*.

Lord High Steward. Then my Lord what is it that you would ſay?

Lord Stafford. My Lords, I did Yeſterday receive an Order from your Lordſhips, and upon that and ſome other things that I have to trouble your Lordſhips with, I did Petition for this favour, which I humbly thank your Lordſhips for granting. If I be impertinent I ſhall beg your Lordſhips pardon, and I hope you will be pleaſed to conſider my Weakneſs at all times, eſpecially in this Condition I now am in, but I hope by your Lordſhips favor to be in an happier one quickly. For the matters of proof I ſhall offer not a tittle, but *my Lords* this Order which I received does ſay, That *the Lords* Aſſembled in Parliament have ordered, that my Counſel ſhall not be heard touching the Continuance of Impeachments from Parliament to Parliament; but I hope *my Lords* you will pleaſe without Offence to let me offer to your Lordſhips my own Conceptions about it, which I ſhall do as briefly as I can.

My

My Lords, I do not conceive by this Order, That your Lordſhips ſay it does or does not continue: You have given no Judgment as I know of in it, when you have I ſhall acquieſce, but I hope your Lordſhips will reſolve that it does not. And *my Lords*, my reaſons for it are two; The firſt is, becauſe one of the Managers for the Houſe of Commons, as I take it Sir *Will. Jones* ſaid theſe words, and your Lordſhips may remember them, That if there were no ſuch Preſident your Lordſhips would make a Preſident, whether you will or no that I muſt ſubmit to your Lordſhips, but then there is none yet. The next thing is *my Lords*, this, whether an Impeachment be to be proſecuted in Parliament without an Indictment: this *my Lords*, I humbly hope your Lordſhips are reſolved, it ought not: For I ſee not how truely *my Lords* it can be, by the little reading which I have had in the Law, I never found any man proſecuted in a Legal way but by an Indictment, I may be miſtaken, and I beg your Lordſhips pardon for troubling you with my miſtakes, but I never read of any that were proſecuted upon an Impeachment; ſo then the Legal uſual word being Indictment, I hope your Lordſhips will not alter the form, for I hope you will keep that great Maxim of your Noble Anceſtors, *Nolumus Leges Angliæ mutare*, and whether this be a Change of the Law or no, I ſubmit it to your Lordſhips.

A third thing is this, Your Lordſhips do not think fit that my Counſel ſhall plead to that Point, whether Words do amount to an Overt Act, for hearing my Counſel to that likewiſe I do not pretend, but I hope your Lordſhips will give me leave to ſay this, I never heard that Words did amount to an Overt Act, if your Lordſhips judge otherwiſe, I ſubmit, but till then I hope it ſhall not conclude me.

There were ſome other Points which I did offer to your Lordſhips, and I humbly beſeech you to know, whether my Counſel ſhall be heard to them; 'tis true, one of them, which was, whether two Witneſſes in ſeveral places did amount to a legal Teſtimony or no, your Lordſhips did not declare one way or another: If you ſay you acquieſce in the Opinion of the Judges, I muſt ſubmit, but till Judgment is given, I beſeech your Lordſhips to give me leave to tell you my weak thoughts about it. I did not hear what the Judges ſaid all of them, but as I apprehend they were all of one Opinion; 'Tis true, one of them that ſpoke laſt, I think it was Judge *Atkins*, did ſay it did amount to a legal Teſtimony, becauſe elſe thoſe Juries that have found ſome Guilty upon the ſame ſort of Evidence ſhould be Perjured; but if this were not ſo, then upon the ſame grounds under your Lordſhips favour, thoſe Juries that acquitted ſome upon ſuch Teſtimony were Perjured, but I muſt believe it to be otherwiſe till your Lordſhips have declared it as your Opinion, for that reaſon will not hold, for the ſame reaſon will be for the Perjuring the one, as for the Perjuring the other. And the ſame Juries for the moſt part Tryed thoſe that were found guilty and thoſe that were acquitted.

Lord High Steward. Is this all your Lordſhip will pleaſe to ſay?

Lord Stafford. No, *my Lords*, if you would give me leave I would trouble you a little farther, if it were an Offence I would not ſay a word. *My Lords*, I do conceive I am not concerned in the general Plot of the *Papiſts*; for I am not proved to be ſo, and whatſoever I may be in my ſelf as I conceive, or whatſoever there is of hearſay, I hope your Lordſhips will not go upon that, but upon what is proved *Secundum allegata & probata*, and that common Fame will condemn no man, if it do, then no man is ſafe, but I muſt ſay there is not one Word of proof offered that I am a *Papiſt*.

I hope *my Lords*, I have cleared my ſelf to your Lordſhips and made my Innocency appear, by making appear the Perjury of the Witneſſes, and the falſhood of thoſe things they ſaid againſt me. Againſt *Dugdale*

I have

I have proved it by two of his own Witneſſes, the one was *Eld* the Woman that Swore for him, That he took up a Glaſs of Syder and wiſhed that it might be his Poyſon if he knew any thing of the Plot, the other was *Whitby*, who ſays, he had given my Lord *Aſton*'s Father warning long ago what a Knave he was. So 'tis clear, for Dr. *Oates* I hope from his Contradictions againſt himſelf as well as *Dugdale*, who does contradict himſelf, at one time *Auguſt*, at another time the latter end of *Auguſt* or the beginning of *September*: And I hope your Lordſhips will give no Credit to *Oates*'s Teſtimony, for he ſaid before your Lordſhips he had declared all he knew, ('tis true I was then accuſed, but not for having a Commiſſion as he now ſwears) and afterwards he accuſed the Queen, ſo here is *Oates* againſt *Oates* and *Dugdale* againſt *Dugdale*; And for *Turbervill* I have proved by his Affidavit, firſt he Swears one thing and then another, and the truth of it is, his Brother proved him falſe in his laſt Oath, that it was (71.) and not (72.)

My Lords, 'Tis not my part to make any Queſtion, nor do I, whether a Plot or no Plot; for I am not concerned in it: If what I ſhall ſay now be impertinent, I humbly beg your Lorſhips pardon. *My Lords*, I have been by the moſt of my Friends, at leaſt every one that came to me, particularly by my Wife and Daughter that is near me, perſuaded to tell all that I knew, and I do here in the preſence of Almighty God declare what I know to be true.

Lord High Steward. What ſays my Lord? Speak out.

Lord Stafford. *My Lords*, I do believe ſince the Reformation from the Church of *Rome* to (what it is now Eſtabliſhed) the Church of *England*, thoſe of that Religion have had ſeveral wicked and ill Deſigns and Plots: I do believe they had a Deſign in Queen *Elizabeths* time, *Babbingtons* Plot, (that is a long time ago) how far it was to take away the Queens Life I can't tell, but a Plot it was: I do believe there was another in her time, called, Earl of *Weſtmorland*'s Plot, wherein there was a Rebellion in the North, for which ſome fled and ſome were executed, that was a very ill Deſign: As for thoſe Poyſonings of her Saddle and the like, I take them to be but Stories.

In King *James*'s time, in the firſt year of his Reign there was a wicked Plot compoſed by Actors, ſome of one Religion ſome of another, there was my Lord *Grey*, my Lord *Cobham*, my Lord *Brooke* and others ſuch, they were condemned all of them, ſome fled, as *Markham* and *Bainham*, thoſe Lords and Sir *Walter Rawleigh* were Reprieved and kept long in the *Tower*. But Sir *Walter Rawleigh* was afterwards upon that ſame Judgment Beheaded, and the Lords dyed in the *Tower*.

My Lords, Next to that was the Execrable Treaſon that I ſpoke of at firſt, the Gun-powder-Treaſon: And I proteſt before Almighty God, I did from my Infancy deteſt and abhor thoſe men that were ingaged in it, and I do think and always did think, the Wit of Man nor the Devils Malice can't invent an Excuſe for it: For the men concerned they all acknowledged it, confeſſed it, and beg'd pardon of the King and God, and all good men for it, that is all I ſhall ſay to that now.

My Lords, Since His Majeſties happy Reſtauration I do conceive, and I think I may ſafely ſay it, (for you all know it, he was gracious and good to all Diſſenters) particularly to them of the *Romiſh* Church, they had Connivance and Indulgence in their private Houſes, and I declare to your Lordſhips, I did then ſay to ſome that were too open in their Worſhip, that they did play foul in taking more Liberty upon them than was fitting for them too, and that brought the misfortune upon me which I will not name.

My Lords, it was not long ago that *your Lordſhips* at your own Bar did allow all the Diſſenters from the Church of *England* to give ſome Reaſons to *your Lordſhips* why thoſe Laws that were againſt them ſhould be Repealed, as well Proteſtant Diſſenters as thoſe of the Church of *Rome*, and why they ſhould have ſome kind of Toleration; among whom you did permit thoſe of the *Romiſh Religion* to appear too, I forget their Names. And I remember particularly one of the Sorts of them, an *Anabaptiſt* I think, did urge for a Reaſon, that which is a great Truth, that they held Rebellion to be the Sin of Witchcraft, I believe it is as bad as any Sin can be.

My Lords, That came to nothing at that time, but, *my Lords*, I believe that after that all of all Religions had Meetings among themſelves to endeavor to get that Toleration which they profeſſed humbly to *your Lordſhips*, there I will never deny, (*my Lords*) that my Opinion was, and is, that this Kingdom can never be happy till an Act of Parliament paſs to this Effect; it was my Opinion then, and I did endeavour it all I could that the Diſſenting Proteſtants might have a Comprehenſion, and the other a Toleration; I acknowledge it to be my Intention, and I think it was no ill one, for if that be a true Copy of the Commons Votes which is in Print, there is ſome ſuch thing deſigning there as a Comprehenſion; and I was of Opinion that it were ſufficient that ſuch as were of the Church of *Rome* might by Act of Parliament ſerve God in their own Houſes, and privately in their own Way, not in publick, and that for it they ſhould pay ſomething to the King out of their Eſtates, but truly not much; That they ſhould be ſeverely puniſhed if they or any of them did endeavour to perſwade any Subject to their Opinion, or did come to Court, or enjoy any Office whatſoever, though it were but that of a Scavenger, but that they ſhould pay their Proportion to all chargeable Offices; That I profeſs, *my Lords*, was my Opinion, and I confeſs to *your Lordſhips* 'tis ſo ſtill. I was in ſome hopes that it would have been done in that Seſſions, becauſe I was afraid it was unlikely to be done at any time elſe. I confeſs to *your Lordſhips* I was heartily and cordially againſt the Teſt, becauſe it hindred thoſe juſt and honeſt things that were for the Good of the Kingdom.

My Lords, there was the firſt or the ſecond Day brought into *your Lordſhips* Houſe, the Record of Mr *Colman*'s Tryal, and for the Letters in it, I do, *my Lords*, declare to *your Lordſhips*, I never read one of them before, but I have often read them ſince they have been in Print; And when I read them firſt curſorily over, my Opinion was, and is, That *Colman*'s endeavouring by Money out of *France*, and keeping off the Parliament to get a Toleration, was that which he could not juſtifie by Law, how far it was Criminal, that I do not know, I am not ſo skilled in the Law, I think it was not juſtifiable, but he hath paid for it ſeverely ſince.

My Lords, I do declare that ever ſince I had the Honor to ſit among *your Lordſhips*, which is now 40 Years (for in the Year 1640. I was by His Majeſties favor called up a Peer) I have valued my ſelf upon the Honor of ſitting with you; and I do declare when I have ſat in this Houſe, when *your Lordſhips* have deſired the King when it was hot weather and unſeaſonable, to put off the ſitting of the Parliament, I was never glad of it, but ſorry when they were Prorogued but for a ſhort time. This I profeſs is true, and I hope I am no Criminal in it; for I do value the Parliaments ſitting to be the only means to keep this Kingdom quiet.

My Lords, 'Tis very true by *Colman*'s Letters, and what I have ſeen in Print ſince, I do believe there have been ſome Conſultations for a Toleration; and if I had known as much then as I have ſince I have been in the Tower, I had perhaps prevented many things; for, *my Lords*, I hold *Eng-*

land to be a great and an happy Body; but it is as other great Bodies are, it may be now, as you know before it was, over-grown or ſick; it was then, and I pray God it be not now, but I hold nothing can cure it but that old *Engliſh* Phyſitian, the King, your Lordſhips, and the Commons in Parliament Aſſembled. But if I had known any ſuch Deſign, as *Colman*'s Letters do hint, I would not have continued in *England*.

My Lords, For that damnable Opinion of King-killing, if I were of any Church whatſoever, and found that to be its Principle, I would leave it. *My Lords*, this is as true as I can ſpeak any thing in the World, I beg *your Lordſhips* pardon for troubling you with my Impertinencies, and hope you pardon it to my weakneſs. *My Lords*, I do profeſs before Almighty God, and before *your Lordſhips* my Judges, I know no one tittle nor point of the Plot; and if I did I hold my ſelf bound to declare it. For the preſent I ſhall ſay little more, unleſs the Managers give me occaſion; if they will reply, and make any Objections, I deſire I may anſwer them. I know the great diſadvantages I am under, when theſe Gentlemen, who are great Scholars and Learned Men, reply upon me, who have thoſe great helps of Memory, Parts, and Underſtanding in the Law, all which I want. And therefore I hope *your Lordſhips* will not conclude me upon what they or I have ſaid, but will be pleaſed to debate the matter among your ſelves, and be as well my Counſel as my Judges.

My Lords, when I offer to *your Lordſhips* matter of Law, I did in no wiſe admit the matter of Fact.——

L. H. Steward. My Lord, I cannot hear you.

L. Stafford. My Lords, if your Lordſhips pleaſe, this Paper may be read.

L. H. Steward. Deliver your Paper in, *my Lords* cannot hear.

L. Stafford. I cannot deny to *your Lordſhips*, that what happened to me on Saturday night, diſturbed me very much. Every day ſince I came hither, there hath been ſuch ſhouting and houting by a company of barbarous Rabble, as never was heard the like, I believe, but it was at a diſtance moſt of the time, and ſo it did not much concern me. But Saturday night it was ſo near and ſo great, that really it hath diſturbed me ever ſince; it was great to day, but at a diſtance; if it were not thus, I ſhould not offer a Paper to be read; I ſcarce know what I do or ſay conſidering the Circumſtances I am in.

L. H. Steward. Take my Lords Paper and read it.

Sir *Tho. Lee.* My Lords, I deſire you will pleaſe to conſider whether this may not introduce a new Cuſtom by reading of this Paper. As to what my Lord is pleaſed to ſay, I am ſorry for the occaſion that any diſturbance ſhould ariſe to my Lord, from the Rabble, or any one elſe; I hope his Lordſhip believes we cannot help, nor do we contribute to that diſturbance. But we deſire *your Lordſhips* to conſider whether this practiſe of having things written down for the Clerk to read, may not introduce a Cuſtom, which may in time grow inconvenient for future Example. I ſee no great danger in the particular Inſtance before *your Lordſhips* now, but it is dangerous in ſuch Caſes to do any thing that is new in this Court.

L. H. Steward. All the matter is, whether it be read by my Lord, who cannot be heard, or read by the Clerk.

Sir *Tho. Lee.* We only oppoſe it out of fear of making a Preſident, which may be of ill conſequence.

L. H. Steward. Read it my Lord, and raiſe your Voice, for it concerns you to ſpeak out.

L. Stafford.

L. Stafford. (Reading out of his Paper.) *My Lords*, when I offered Matter of Law to *your Lordſhips*, on *Saturday* laſt, I did in no wiſe admit the matter of Fact to be true that was alledged againſt me, and ſo I deſire to be underſtood. And I hope *your Lordſhips* will not lay the leſs weight upon the teſtimony of my Witneſſes, becauſe they are not ſworn; for the Law does not ſuffer them to be ſworn, which is no fault of mine, nor ought not to turn to my Prejudice.

I muſt appeal to *your Lordſhips* Judgments in point of Fact, how far the King's Witneſſes are to be believed againſt me, conſidering the whole matter, and my Counter-Proof.

Next I ſubmit to *your Lordſhips* Judgments this Point, That the Impeachment being founded upon the Common Law, and the Statute of 25th *Edw.* 3, and not upon the Statute of 13th of this King, two of the Witneſſes, *Dugdale* and *Turbervill*, do only ſwear Treaſonable words ſpoken by me, and not my Overt-act; for they ſwear only that I promiſed them Money and Rewards to kill the King. Now I humbly pray *your Lordſhips* Judgment, whether bare ſpeaking of words be an Overt-act, and Treaſon at the Common Law, or upon that Statute; and whether there be more than ſpeaking of words in a Conſult, or otherwiſe proved by *Dugdale* and *Turbervill*, I appeal to you; then the other Witneſs, *Oates*, is but a ſingle Witneſs, who ſpeaks of the receiving of a Commiſſion. This is that I offer to *your Lordſhips* now for your Judgments, and then I deſire I may have your Opinion in other things.

L. H. Steward. Is this all your Lordſhip hath to ſay?

L. Stafford. For the preſent, *my Lords.*

L. H. Steward. You muſt ſay all you have to ſay now.

L. Stafford. Is it *your Lordſhips* pleaſure to hear Counſel to nothing at all? I did likewiſe alledge to *your Lordſhips* th'other Day, that People that ſwear for Money, are not competent credible Witneſſes; how far that was proved, or I may prove by my Counſel, I ſubmit to *your Lordſhips.*

L. H. Steward. Look you, my Lord, You have ſo far received already the pleaſure of the Houſe: You have raiſed ſeveral Queſtions of Law, whether every Overt-act require two Witneſſes to prove it. You have had the Opinion of the Judges, and there is no more to be ſaid in it. As to that, whether Impeachments continue from Parliament to Parliament and the other thing, whether proceedings may be upon an Impeachment without an Indictment; theſe are matters of the Courſe and Conſtitutions of Parliaments, *my Lords* will conſider of them by themſelves, and will permit no Counſel to argue them. For the other Point, That words are no Overt-act, that reſts for their Opinion in another Caſe, when it ſhall come, for they have now no ſuch Caſe before them.

L. Stafford. I humbly conceive there is.

L. H. Steward. There is a great difference between bare words being an Overt-act, and perſuaſion by Promiſes of Money and Rewards to kill the King, which is a very great Overt-act.

L. Stafford. Is it poſſible to do an act by Words? If it be ſo, I never heard it before.

L. H. Steward. Otherwiſe men may promiſe Rewards to 20 ſeveral Perſons to kill the King, and then ſay 'tis all but Words.

L. Stafford. I ſay it not, but I humbly conceive the Law ſays it.

L. H. Steward. What ſay you, Gentlemen of the Houſe of Commons?

L. Stafford. My Lords, I have ſomething to ſay, which I deſire to ſpeak firſt: *My Lords*, I hope I have cleared to *your Lordſhips*, that all the Witneſſes have ſwore falſe againſt me, and this I have made out by Proofs; I ſay not much to that. —— (*My Lord was ſearching for his Papers.*) Tru-

ly,

ly, *my Lords*, I am confounded with the Noiſe and other Circumſtances, but *my Lords*, I ſhall if *your Lordſhips* pleaſe to give me leave, humbly repreſent my Caſe to you, how I take it to be in matter of Fact (as to my own Condition not any thing, but) how I am now before *your Lordſhips*.

I was, *my Lords*, committed by my Lord Chief Juſtices Warrant, on the 20th, or 21th of *October*, (78.) *Friday*, 25th of *October*, I was brought to *your Lordſhips* Bar, I was Impeached; I do not remember the Day, *my Lords*, the beginning of *December*, in one Parliament Articles exhibited againſt me, in another Parliament I was brought upon theſe Articles exhibited, and being called to *your Lordſhips* Bar, the Articles were read to me, and I gave in my Anſwer, that was ſometime in *May* (79.) and in the end of *May* the 27th, (if I miſtake not, if I do, I deſire it may be rectified by your Books) I, with the other Lords, were brought to this Place in order to our Trial. We ſtaid ſome time there, and then were remanded by your Order to the *Tower*, where I continued till *November* twelve Month after, without having heard any thing concerning it; ſo that I was firſt Impeached in one Parliament, Articles brought againſt me and pleaded to in a ſecond, and now brought to my Trial in a third; and what *your Lordſhips* will ſay upon this, I ſubmit to you, and whether theſe be Proceedings according to Law, *your Lordſhips* will judge.

My Lords, I humbly conceive that *Magna Charta* ſays, That Juſtice ſhall be denied nor delayed to no man, whether it hath not been delayed to me, let *your Lordſhips* judge. If you ſay the Prorogation of the Parliament is the Cauſe of that Delay, I hope *your Lordſhips* will give me leave to ſay, That from the 5th of *December* to the 30th, when the firſt Parliament was Prorogued, or during the Seſſion of the other Parliament, there was time enough ſure wherein I might have been brought to my Trial; and if theſe proceedings be lawful and juſt, there is no man living, but may be kept off from time to time, till ſome Accidents happen that their ends may be gained. I leave it to your Judgment, whether it may be only my Caſe now, or of ſome of *your Lordſhips* in future Ages, to be Accuſed of things that you never heard of before, and not brought to juſtifie your ſelves, but kept in Priſon.

My Lords, There is a Statute, I have forgot where it is (but ſuch a one I have read) that though the King by his great Seal, or little Seal, command that Juſtice ſhould be delayed or denied, yet however the Judges ſhall not obey it, but proceed. So I hope there is no pretence of delay on my part, and the benefit of that Statute ſhall not be denied me. And that Statute of the Great *Charter*, which coſt ſo many of your Anceſtors their Lives to maintain, I hope you will never go from. Now, *your Lordſhips* Noble Anceſtors amongſt other things, took great care that Juſtice ſhould be denied or delayed to none; and this I deſire you to take into Conſideration.

I am in *your Lordſhips* Judgment either to be Acquited, or Condemned. I hope *your Lordſhips* will, and I know you will lay your Hands upon your Hearts, conſult your Conſciences and your Honours, and then you will do what is Juſt and Equitable, I doubt not.

My Lords, Mr. *Oates* ſaid I came by the name of Mr. *Howard* of *Eſſingham*, but that I did to my Letters ſign *Stafford*; ſurely, *my Lords*, if I was aſhamed to own my Perſon, I ſhould have been as much aſhamed to have owned my Name. He ſays, he ſaw me take a Commiſſion, and whether that be an Overt-act, *your Lordſhips* are to determine. Upon the whole Matter, I conceive, there is nothing proved againſt me, but

words,

words, nor pretended to, but only by *Oates*. And whether you will credit a man that ſo diſſembles with God, as I have told you I appeal to *your Lordſhips*, and beg you to conſider of it.

That theſe Witneſſes have ſworn for Money, if you ſend to the Exchequer Office and ſee what Money they have received, you will find by the great Sums that 'tis ſo, and then I hope you will not allow them to be heard, nor credit any that ſwear for Gain. I had a Suit in *Weſtminſter-Hall*, that had like to have gone expreſsly againſt me, only becauſe one of my Witneſſes was to gain 8 *l.* if the Suite went for me. But, pray conſider how much theſe men have had. And for the point that there are not two Witneſſes, I beſeech *your Lordſhips*, give me leave to put you in mind, That not many Years ago, you paſſed an Act againſt Frauds and Perjuries, wherein you were ſo careful to preſerve mens Eſtates, that you required three Witneſſes to prove a Will of Goods or Lands, above 100 *l.* and will You allow but one Witneſs to take away a mans Life for words? Though *your Lordſhips* will never commit Treaſon, yet no man can preſerve himſelf from the Misfortune that happens to me, of being falſly accuſed.

'Tis true, *my Lords*, the Managers have given an Anſwer to the Buſineſs of the Money, by ſaying, The King may give as liberally as he pleaſes, but to give ſo great Sums, whereby Men Poor before, are now become Rich, I think will be an Objection againſt their Credit.

My Lords, I have ſaid what I do think convenient, though I think much more might be ſaid by an abler Man to *your Lordſhips*, for the clearing of himſelf. I hope I have done it, nay, I am confident I have; and this I have done for the Memory of that Great and Bleſſed King, who firſt made me a Peer, that it may not be ſaid he did me the Honour Forty Years ago to call me up to this Dignity, and I ſhould flie in the Face of his Son in ſo horrible a manner as theſe Men would make me. I do owe it to the Honour of my Father and Mother, who, I think, I may ſafely ſay, were both Honourable and Worthy Perſons: My Father was a learned Man, and a wiſe Man, as I may appeal to ſome of *your Lordſhips* who knew him well; I ſay, I owe it to their Memory, and to the Honour of the Family from whence I ſprang, which all the World knows what it is. And I ſhould be an infamous Man to diſhonour them ſo much as to bear their Name, and commit Treaſon. *My Lords*, I owe it to my Wife, who hath been a very kind Wife to me as ever Man had; ſhe is Heireſs at Law to the great Eſtate of that great and unfortunate Man *Stafford*, Duke of *Buckingham*, who was cut off in the Reign of King *Henry* the Eighth, and all his Eſtate, if it were not for that Attainder, would have come to her.

I may be impertinent in telling *your Lordſhips* what it was, but I do not over-ſay it, when I reckon it would have been at this Day 200000 *l.* a Year, for it was 17000 *l.* a Year in thoſe Days Penny Rent, beſides other Emoluments. This is an extravagant thing to ſay, but 'tis true, ſomething thereof does remain to her, which I now enjoy. I owe it to all my Children, eſpecially to my Eldeſt Son, who is a Young Man, and I may ſay of far better Parts and Hopes than his Father, and whom, I hope, will ſerve his Country. I owe it to all my Friends and Relations, for I would not have it ſaid after my Death, my Wife was the Widow of a Traytor. I owe it to all theſe, but above all, I owe it to God Almighty, then when I come to be Judged by Him, I may give a good account of what he hath intruſted me with, that I may not appear as an infamous Man who knows he hath a Body, but not his own, and yet ſhould throw it

and his Soul away together. And if I ſhould have committed this Execrable Treaſon, I ſhould have been Guilty of my own Murder: Firſt, In the committing a Crime worthy of Death; and then in not Confeſſing to ſave my Life. I hold Murder an extraordinary Crime, the worſt next to Treaſon: And I know, if I ſhould not prevent my Death by confeſſing all I knew, I ſhould have been guilty of Self-Murder, the worſt of Murders. I know *your Lordſhips* will lay to Heart, what an execrable thing Murder is and the Blood of Innocents; and I hope there is none of the Houſe of Commons, but after this Evidence, will clear me. I am ſure none of them would have me Puniſhed for that I am not Guilty of. I do not blame theſe Gentlemen of the Houſe of Commons for Proſecuting, nor the firſt for Impeaching; for they had, without all doubt, reaſons great enough for it upon what Evidence they had before them, before they knew what the Witneſſes were. I know *your Lordſhips* will not in the leaſt point vary from Juſtice, or the Law of the Land, and I deſire you to lay the whole matter to your Hearts; I have not the leaſt ſuſpition of the Partiality of any Man in the Houſe, nay, I profeſs, if I had an Enemy and he were not here, I would beg of you that he might come. I have cleared my ſelf before *your Lordſhips*, and I hope I ſhall not be run down by the wicked Rabble, which where it will end, God knows. It began in the late Times againſt my Lord of *Strafford*, and ſo continued till it ended in that moſt Execrable Fact, one of them that ever was done. A wicked beginning it was, and it had a wicked end. For ſince our Saviour's Death and Murder by the *Jews*, never was ſo execrable a Murder in the World; and whoever had an hand in it without an extraordinary Repentance, can have no thoughts of Salvation. I never could ſerve the King 'tis true, but in my deſires, and I never diſſerted him in thought, word, or deed, to my knowledg in my Life, much leſs did I ever contrive or conſent to his Death. I do in the preſence of God, Angels, *your Lordſhips*, and all Men, declare, I do know no more of the Plot, or any ſuch thing than any one here does. That thoſe of the *Romiſh Religion* had Meetings, I believe, to obtain thoſe ends that I ſpake of before: *Colman* went too far, how far he was Criminal in it I cann't tell. Meetings, I ſay, there were, but I was never at one of them, nor do I know what was done there. I do leave it to *your Lordſhips* to do Juſtice, as I know you will, and with all ſubmiſſion I reſign my ſelf up to you.

L. H. Steward. Have you done, my Lord?

L. Stafford. If *your Lordſhips* will not allow me Counſel to argue thoſe Points, I have done.

L. H. Steward. What ſay you Gentlemen of the Houſe of Commons?

Mr. Serj. *Maynard. My Lords*, ſome thing that my Lord hath ſpoken, hath been reſolved againſt him, that is about two Witneſſes to each Overt-act; ſome things are not to be diſputed about the Law and Courſe of Parliaments, ſome things were not to be ſaid now, becauſe he had ſaid them before. *My Lords*, we had concluded our Evidence, and he is pleaſed to take up the time with repeating what was ſaid before.

For the other matters that my Lord is pleaſed to diſcourſe of, all he ſays is but his Obligations, and how unreaſonable it were for him to do it; the Queſtion is whether he hath done it or no; if he hath, his Obligations are an Aggravation of his Crime, not an Excuſe. His Relations, his Family, and other things are nothing before *your Lordſhips* now in point of Judgment, nor is there any thing new ſaid to Day, that was not ſaid before.

Sir *Will. Jones.*

Sir *Will. Jones.* My Lords, I ſhould not add one word further, were it not that this Noble Lord is pleaſed upon his Memory, or rather without, to ſay ſomething of me, and that was, that ſpeaking of the Continuance of Proceedings I ſhould ſay, if *your Lordſhips* had no Preſident I hope you would make one; *My Lords*, I do appeal to *your Lordſhips* Memory whether I ſaid any thing like it, I utterly deny it, nor was there any occaſion for it. For there was no need of urging Preſidents, when *your Lordſhips*, upon a Conference with the Commons, did declare it to be the Law of Proceedings in Parliament, and did then fortifie it with many Arguments. I know my Lords Memory is not very good; I'm ſure in this he is very much miſtaken.

My Lord hath been pleaſed to complain he hath received much diſturbance, and that the Noiſe and Shouts have been ſo great that they have occaſioned ſome diſtraction in him. *My Lords*, I am ſure his Lordſhip cannot mean us; for I appeal to *your Lordſhips*, and all that have heard this Tryal, whether he hath received the leaſt diſturbance or interruption from us, or whether we have not treated him with that reſpect that becomes his Dignity, and the Diſcretion that ought to be in the Managers of the Houſe of Commons. But I muſt needs ſay, that his Lordſhip hath received diſtraction from thoſe Friends or Counſel of his that put thoſe many Papers into his Hand; for he hath read one after another that do contain the ſame matter over and over again. Theſe I confeſs were ſufficient to diſtract him or any other that ſhould make uſe of them. His Lordſhip hath been pleaſed to go off from the matter of Law, to the matter of Fact, and backward and forward, ſo that it is impoſſible to follow him: And as to the matter of Fact we ſhall decline to follow him; for though we have not given his Lordſhip any diſturbance, yet we ſubmit to your Judgment whether it be Regular, or according to the Courſe of Proceedings, when his Lordſhip hath ſum'd up his Evidence, and we that are the Proſecutors, have concluded ours, he ſhould begin that Work again, which if it ſhould be admitted we were to reply, and he might rejoin upon us, and ſo there would be no end of Proceedings.

And, *my Lords*, I hope, though this Lord hath had the favor to do it, yet it ſhall not for the future be brought into Example, for it will make Tryals endleſs.

My Lords, for the matter of Law, there is nothing that deſerves an Anſwer, for though the Law does admit the Priſoner Counſel in matters of Law, yet it muſt be in things doubtful: And if there be any thing of that in our Caſe, I ſubmit it to *your Lordſhips*. I am ſure I have heard nothing new but what hath been over-ruled already, unleſs it be a matter of Law which riſes upon a matter of Fact, and that not proved, to wit, the Corruption of Witneſſes. The laſt day all was ſaid by his Lordſhip he could ſay, and all ſaid by us that we thought fit to ſay, and now to begin the ſame matter again, I think ought not to be admitted. We ſhall not follow his Lordſhip in that way of Proceedings, and hope it ſhall never fall into Example.

Sir *Fr. Win.* My Lords, I have only one word to ſay to *your Lordſhips*, and that is in relation to the Proceedings of the Commons in this Cauſe; for if the Cauſe had not been of an extraordinary nature, we ſhould have ſtood upon it, that the Priſoner ought not after the Proſecutors had concluded to have taken a liberty of reading and repeating what he had ſaid over and over again. We know, *my Lords*, there are a ſort of men in the World, who are willing to lay hold of any pretences to cavil at our proceeding

ceedings, and therefore we have let my Lord take all this liberty, that ſo his Party might have no colour of complaint. His Lordſhip was pleaſed to ſay the laſt day, that he had not a Witneſs more to produce, nor a Reaſon to give, as I underſtood him; and therefore he muſt own that we have been very tender to him in all our proceedings. One thing my Lord inſinuates to day, which I cannot forbear taking notice of, as if we had delayed him, which is without cauſe; we had uſed all diligence in preparing our ſelves, and were ſoon ready when the King was pleaſed to let the Parliament ſit, and therefore it can be no imputation on us; and truly if my Lord conſiders the weight of the Evidence, I fear he will think his Tryal comes ſoon enough now.

L. Stafford. My Lords, I deſire to be rightly underſtood in one thing, and 'tis only this, I did not ſay the Houſe of Commons ſhouted at me, but the Rabble.

L. H. Steward. Is it your Lordſhips pleaſure to Adjourn?

Lords. Ay, Ay.

L. H. Steward. Then this Houſe is Adjourned to the Parliament Chamber.

Then the Lords withdrew in their former Order, and the Committee of Commons went back to their Houſe.

Mr. Speaker *reſumed the Chair, and a Meſſage was ſent from the Lords by Sir* Timothy Baldwin *and Sir* Samuel Clark.

Mr. Speaker.

The Lords have commanded us to acquaint this Houſe, that they have appointed *William* Viſcount *Stafford* to be brought to the Bar in *Weſtminſter-Hall* to morrow morning at Ten of the Clock to receive Judgment.

The Commons Adjourned to Eight of the Clock the next morning.

The

The Seventh Day.

Tueſday, *December* the 7th. 1680.

ABout the hour of Eleven, the *Lords* Adjourned into *Weſtminſter-Hall*, going thither in their former order into the Court there erected; and Mr. *Speaker* having left the Chair, the Committee of *Commons* were ſeated as before.

The *Lords* being ſat, Proclamation was made for ſilence; and the *Lord High Steward* being ſeated on the Woolpack with *Garter* Principal King of Arms, the Uſher of the Black Rod, Nine Maces attending him, with all the reſt of the Solemnity as was at firſt expreſſed, took the Judgment of the Peers upon the Evidence, beginning at the Puiſne Baron, and ſo upwards, in this order, the Lord *Stafford* being (as the Law requires) abſent.

L. H. Steward. My Lords, I am an humble Suitor to your *Lordſhips*, That you will give me leave to collect your Votes as I ſit, for I am not able to ſtand. Which being granted, the *Lord High Steward* proceeded.

L. H. Steward. My Lord *Butler* of *Weſton*, Is *William* Lord Viſcount *Stafford* Guilty of the Treaſon whereof he ſtands Impeached, or Not Guilty?

Lord *Butler*. Not Guilty upon my Honour.

The ſame Queſtion was put to the reſt, whoſe Names and Votes follow.

Lord *Arundel* of *Trerice*. Not Guilty upon my Honour.

1 Lord *Crewe*. Guilty upon my Honour.

2 Lord *Cornwallis*. Guilty upon my Honour.

Lord *Holles*. Not Guilty upon my Honour.

Lord *Wootton*. Not guilty upon my Honour.

3 Lord *Rockingham*. Guilty upon my Honour.

Lord *Lucas*. Not Guilty upon my Honour.

4 Lord *Aſtley*. Guilty upon my Honour.

Lord *Ward*. Not Guilty upon my Honour.

Lord *Byron*. Not Guilty upon my Honour.

Lord *Hatton*. Not Guilty upon my Honour.

5 Lord *Leigh*. Guilty upon my Honour.

6 Lord *Herbert* of *Cherbury*. Guilty upon my Honour.

7 Lord *Howard* of *Eſcrick*. Guilty upon my Honour.

8 Lord *Maynard*. Guilty upon my Honour.

9 Lord *Lovelace*. Guilty upon my Honour.

Lord *Deincourt*. Not Guilty upon my Honour.

10 Lord *Grey of Wark*. Guilty upon my Honour.

11 Lord *Brook*. Guilty upon my Honour.

Lord *Norreys*. Not Guilty upon my Honour.

12 Lord *Chandos*. Guilty upon my Honour.

13 Lord *North* and *Grey*. Guilty upon my Honour.

14 Lord *Pagett*. Guilty upon my Honour.

15 Lord *Wharton*. Guilty upon my Honour.

16 Lord *Eure*. Guilty upon my Honour.

17 Lord *Cromwell*. Guilty upon my Honour.

Lord *Windſor*. Not Guilty upon my Honour.

18 Lord *Conyers*. Guilty upon my Honour.

Lord *Ferrers*. Not Guilty upon my Honour.

13 —— Lord *Morley*. Not Guilty upon my Honour.
14 —— Lord *Mowbray*. Not Guilty upon my Honour.
19 Lord Viſcount *Newport*. Guilty upon my Honour.
20. Lord Viſcount *Faulconberge*. Guilty upon my Honour.
21. Earl of *Conway*. Guilty upon my Honour.
15 —— Earl of *Berkley*. Not Guilty upon my Honour.
22 Earl of *Macleſfeld*. Guilty upon my Honour.
16 —— Earl of *Halliſax*. Not Guilty upon my Honour.
17 —— Earl of *Feverſham*. Not Guilty upon my Honour.
23. Earl of *Suſſex*. Guilty upon my Honour.
24 Earl of *Guilford*. Guilty upon my Honour.
25 Earl of *Shaftesbury*. Guilty upon my Honour.
26. Earl of *Burlington*. Guilty upon my Honour.
18 —— Earl of *Ailesbury*. Not Guilty upon my Honour.
19 —— Earl of *Craven*. Not Guilty upon my Honour.
27. Earl of *Carliſle*. Guilty upon my Honour.
20 —— Earl of *Bath*. Not Guilty upon my Honour.
28. Earl of *Eſſex*. Guilty upon my Honour.
21 —— Earl of *Clarendon*. Not Guilty upon my Honour.
22 —— Earl of *St. Albans*. Not Guilty upon my Honour.
29 Earl of *Scarſdale*. Guilty upon my Honour.
30. Earl of *Sunderland*. Guilty upon my Honour.
23 —— Earl of *Thanet*. Not Guilty upon my Honour.
24 —— Earl of *Cheſterfield*. Not Guilty upon my Honour.
25 —— Earl of *Carnarvan*. Not Guilty upon my Honour.
31. Earl of *Winchelſea*. Guilty upon my Honour.
32. Earl of *Stamford*. Guilty upon my Honour.
26 —— Earl of *Peterborough*. Not Guilty upon my Honour.
33 Earl *Rivers*. Guilty upon my Honour.
34. Earl of *Mulgrave*. Guilty upon my Honour.
35. Earl of *Barkſhire*. Guilty upon my Honour.
36. Earl of *Mancheſter*. Guilty upon my Honour.
37. Earl of *Weſtmorland*. Guilty upon my Honour.
38. Earl of *Clare*. Guilty upon my Honour.
39 Earl of *Briſtol*. Guilty upon my Honour.
27 —— Earl of *Denbigh*. Not Guilty upon my Honour.
40. Earl of *Northampton*. Guilty upon my Honour.
41. Earl of *Leiceſter*. Guilty upon my Honour.
42 Earl of *Bridgwater*. Guilty upon my Honour.
43 Earl of *Salisbury*. Guilty upon my Honour.
44 Earl of *Suffolk*. Guilty upon my Honour.
45. Earl of *Bedford*. Guilty upon my Honour.
46 Earl of *Huntingdon*. Guilty upon my Honour.
28 —— Earl of *Rutland*. Not Guilty upon my Honour.
47 Earl of *Kent*. Guilty upon my Honour.
48 Earl of *Oxford*. Guilty upon my Honour.
29 —— Lord *Chamberlain*. Not Guilty upon my Honour.
30 —— Marqueſs of *Worceſter*. Not Guilty upon my Honour.
31 —— Duke of *Newcaſtle*. Not Guilty upon my Honour.
49 Duke of *Monmouth*. Guilty upon my Honour.
50. Duke of *Albemarle*. Guilty upon my Honour.
51. Duke of *Buckingham*. Guilty upon my Honour.
52 Lord *Privy-Seal*. Guilty upon my Honour.
53 Lord *Preſident*. Guilty upon my Honour.

L. H.

54 *L. H. Steward.* Guilty upon my Honour.

55. *Prince Rupert Duke of Cumberland.* Guilty upon my Honour.

L. H. Steward. My Lords, upon telling your Votes, I find there are
31 Thirty one of *my Lords* that think the Priſoner *Not Guilty*, and Fifty
55. five that have found him *Guilty*. Serjeant make Proclamation for the Lieutenant of the Tower to bring his Priſoner to the Bar.

(*which was done, and his Lordſhip came to the Bar.*)

L. H. Steward. My Lord *Stafford*, I have but heavy tidings for you, your Lordſhip hath been impeached of High-Treaſon, you have pleaded Not Guilty, *my Lords* have heard your defence, and have conſidered of the Evidence, and their *Lordſhips* do find you Guilty of the Treaſon whereof you are Impeached.

L. Stafford. Gods Holy Name be praiſed, *my Lords*, for it.

L. H. Steward. What can your Lordſhip ſay for your ſelf, why Judgment of Death ſhould not be given upon you according to the Law?

L. Stafford. My Lords, I have very little to ſay, I confeſs I am ſurprized at it, for I did not expect it; but Gods will be done, and *your Lordſhips*, I will not murmur at it: God forgive thoſe that have ſworn falſly againſt me. *My Lords*, I conceive I have ſomething to ſay for reſpit of Judgment; I have been at many Tryals in my Life, but I never ſaw any Tryal where the party tried did not hold up his Hand, which I was never asked to do; I thought it had been a very material point in the Law, That by the holding up of the Hand he might be known to be the perſon. I have read, lately, ſince I had the misfortune to be thus accuſed, Sir *Edward Coke* upon the Pleas of the Crown, and he ſays that Miſnomer, the not giving a man his right name, or addition, is likewiſe a juſt Cauſe to arreſt the Judgment. There is likewiſe another Queſtion, how far it may be valued I know not, I ſubmit it, as I do all, to *your Lordſhips*. Though I am tryed upon the Act of 25 *Edw. 3d.* yet there is nothing more in that Act, than what is included in the Act of the 13*th* of this King: And I humbly conceive, *my Lords*, by that Act, and the laſt Proviſo in it, a Peer that is accuſed and found Guilty of the Crimes therein mentioned, is to loſe his Seat in Parliament; thoſe are the words, and ſince 'tis ſo put down in the Act, it is ſo to be underſtood, and that is all the puniſhment. And I humbly demand *your Lordſhips* Judgment upon theſe points, whether it be ſo or no?

L. H. Steward. Has your Lordſhip any more to ſay?

L. Stafford. No, *my Lords*, I ſubmit to *your Lordſhips*, and deſire your Judgment in theſe points.

Then the Lords adjourned into the Parliament Chamber, and the Committee of Commons returned to their own Houſe; and the Speaker having re-aſſumed the Chair, the whole Body of the Houſe went with their Speaker to the Bar of the Houſe of Lords, to demand Judgment of High Treaſon againſt *William* Viſcount *Stafford*, upon the Impeachment of the Commons of *England* in Parliament, in the name of the Commons in Parliament, and of all the Commons of *England*.

The Commons, with their Speaker, went back to their Houſe.

Then the Lords took into conſideration what Judgment was to be given upon *William* Viſcount *Stafford*, and it was moved that he might be beheaded. After ſome debate, the Judges were asked, whether if any other Judgment than the uſual Judgment for High Treaſon were given upon him, it would attaint his Blood? The Judges were of opinion, that the Judgment for High Treaſon appointed by Law, is to be drawn, hanged, and quartered, and in the Courts and proceedings below,

low, they can take no notice of any Judgment for High Treaſon, but that.

Then Sir *Creſwell Levenz*, the Kings Attorney-General, deſired to be heard on His Majeſties behalf, which the Houſe gave leave for him to be; who ſaid, he knew no other Judgment by Law for High Treaſon, but drawing, hanging, and quartering; if any other Judgment were given, it would be prejudicial to His Majeſty, and be a queſtion in the inferior Courts as to his attainder of High Treaſon.

Whereupon their *Lordſhips* ordered, That the *Lord High Steward* do pronounce the ordinary Judgment of death upon the Lord Viſcount *Stafford*, as the Law hath appointed in Caſes of High Treaſon.

And a Meſſage was ſent to the Houſe of Commons from their *Lordſhips*, by Sir *Timothy Baldwin* and Sir *Samuel Clark*.

Mr. *Speaker*,

We are commanded by the *Lords* to acquaint this Houſe, That their *Lordſhips* are going preſently into *Weſtminſter-Hall* to give Judgment againſt *William* Viſcount *Stafford*.

Mr. Speaker left the Chair.

The Committee of Commons appointed for the management of the Evidence againſt the Priſoner, with the reſt of the Commons, went into *Weſtminſter Hall*, to the Court there erected, to be preſent when the Lords gave Judgment of High Treaſon againſt him, upon the Impeachment of the Commons of *England*.

After a ſhort time their *Lordſhips* were adjourned into *Weſtminſter-Hall*, coming in their former Order into the Court there erected, where being ſeated, and the *Lord High Steward* being on the Wool-ſack, attended by *Garter* principal King of Arms, the *Uſher* of the Black Rod, Eight of the Serjeants at Arms kneeling with their Maces, the Ninth making proclamation for ſilence; which being done, the *Lord High Steward* gave Judgment upon the Priſoner as followeth.

L. H. Steward. My Lord *Stafford*,

THat which your Lordſhip hath ſaid in Arreſt of Judgment, hath been found by my Lords upon due conſideration had of it, to be of no moment at all. It is no Eſſential part of any Trial, That the Priſoner ſhould hold up his hand at the Bar; there is no Record ever made of it when it is done; the only uſe of it is to ſhew the Court who the Priſoner is, and when that is apparent, the Court does often proceed againſt him, though he refuſe to hold up his hand at the Bar; therefore the omiſſion of that ceremony in this caſe is no legal exception, as all the Judges have declared.

And as to the Proviſo's in the ſtatute of the 13th year of this King, their Lordſhips do find that they are in no ſort applicable to this caſe, foraſmuch as the Proceedings againſt your Lordſhip are not grounded upon that Statute, but upon the Statute of the 25 E. 3. And yet if the Proceedings had been upon the latter Statute, the Proviſo's therein could have done your Lordſhip no ſervice at all.

My part therefore which remains, is a very ſad one: for I never yet gave ſentence of Death upon any man, and am extremely ſorry that I muſt begin with your Lordſhip.

Who would have thought that a perſon of your Quality, , of ſo Noble an Extraction, of ſo conſiderable Eſtate and Fortune, ſo eminent a ſufferer in the late ill Times, ſo intereſted in the preſervation of the Government, ſo much obliged to the Moderation of it, and ſo perſonally obliged to the King and his Royal Father for their particular Favours to you, ſhould ever have entred

entred into so Infernal a Conspiracy as to contrive the Murder of the King, the Ruine of the State, the Subversion of Religion, and, as much as in you lay, the Destruction of all the Souls and Bodies in three Christian Nations.

And yet the Impeachment of the House of Commons amounts to no less a Charge, and of this Charge their Lordships have found you Guilty.

That there hath been a General and Desperate Conspiracy of the Papists, and that the Death of the King hath been all along one chief part of the Conspirators Design, is now apparent beyond all possibility of Doubting.

What was the meaning of all those Treatises which were publisht about two years since against the Oath of Allegiance, in a time when no man dreamt of such a Controversie? What was the meaning of Father Conyers's Sermon upon the same subject, but only because there was a Demonstration of Zeal, as they call it, intended against the Person of the King? which the scruples arising from that Oath did somewhat hinder.

To what purpose were all the correspondencies with Foreign Nations? The collections of Money among the Fathers abroad and at home? What was the meaning of their Governing themselves here by such Advices as came frequently from Paris and Saint Omers? And how shall we expound that Letter which came from Ireland, to assure the Fathers here, that all things were in a readiness there too, as soon as the Blow should be given?

Does any man now begin to doubt how London came to be Burnt? Or by what ways and means poor Justice Godfrey fell? And is it not apparent by these Instances, that such is the frantick Zeal of some Bigotted Papists, that they resolve, No means to Advance the Catholick Cause shall be left unattempted, though it be by Fire and Sword?

My Lord, As the Plot in General is most manifest, so your Lordships part in it hath been too too plain. What you did at Paris, and continued to do at Tixall in Staffordshire, shews a setled purpose of mind against the King; and what you said at London touching Honest Will, shews you were acquainted with that Conspiracy against the Kings Life which was carrying on here too: And in all this there was a great Degree of Malice; for your Lordship at one time called the King Heretick and Traytor to God; and at another time you revil'd him for misplacing his Bounty, and rewarding none but Traitors and Rebels.

And thus you see that which the Wise man forewarn'd you of is come upon you, Curse not the King, no not in thy heart: for the Birds of the air shall reveal, and that which hath wings will declare the matter.

Three things I shall presume to recommend to your Lordships consideration. In the first place, Your Lordship now sees how it hath pleased God to leave you so far to your self, that you are fallen into the snare, and into the pit, into that very pit which you were digging for others. Consider therefore, that God Almighty never yet left any man, who did not first leave him.

In the next place, Think a little better of it than hitherto you have done, what kind of Religion that is in which the blind guides have been able to lead you on into so much ruin and destruction as is now like to befall you.

In the last place, I pray your Lordship to consider, That true Repentance is never too late. A devout penitential sorrow, join'd with an humble and hearty confession, is of mighty power and efficacy both with God and man.

There have been some of late, who have refus'd to give God the glory of his Justice by acknowledging the Crimes for which they were condemned;

nay, who have been taught to believe, that 'tis a mortal ſin to confeſs that crime in publick, for which they have been abſolv'd in private; and ſo have not dar'd to give God that glory which otherwiſe they would have done.

God forbid your Lordſhip ſhould reſt upon Forms; God forbid your Lordſhip ſhould be found among the number of thoſe poor miſtaken ſouls whom the firſt thing that undeceives is death it ſelf.

Perhaps your Lordſhip may not much eſteem the Prayers of thoſe whom you have long been taught to miſcall Hereticks; But whether you do or no, I am to aſſure your Lordſhip, That all my Lords here, even they that have condemned you, will never ceaſe to pray for you, that the end of your life may be Chriſtian and Pious, how Tragical ſoever the means are that muſt bring you thither.

And now my Lord, this is the laſt time that I can call you My Lord; for the next words I am to ſpeak will Attaint you.

The Judgment of the Law is, And this Court doth Award, That

YOU go to the place from whence you came; from thence you muſt be drawn upon a Hurdle to the place of Execution; When you come there, you muſt be hang'd up by the Neck, but not till you are dead; for you muſt be cut down alive; your Privy-Members muſt be cut off, and your Bowels ript up before your face, and thrown into the Fire; Then your Head muſt be ſevered from your Body, and your Body divided into four Quarters; and theſe muſt be at the diſpoſal of the King.

And God Almighty be merciful to your Soul.

Priſoner. My Lords, I humbly beſeech you give me leave to ſpeak a few words: I do give your Lordſhips hearty thanks for all your favours to me. I do here in the preſence of God Almighty declare, I have no malice in my heart to them that have condemned me; I know not who they are, nor deſire to know; I forgive them all, and beſeech your Lordſhips all to pray for me. *My Lords*, I have one humble requeſt to make to your Lordſhips, and that is, *my Lords*, That the little ſhort time I have to live a Priſoner, I may not be a cloſe Priſoner, as I have been of late, but that Mr. *Lieutenant* may have an Order that my Wife and Children and Friends may come at me. I do humbly beg this favour of your Lordſhips, which I hope you will be pleaſed to give me.

L. H. Stew. My Lord *Stafford*, I believe I may, with *my Lords* leave, tell you one thing further, That *my Lords* as they proceed with rigor of Juſtice, ſo they proceed with all the mercy and compaſſion that may be; And therefore *my Lords* will be humble ſuitors to the King, that he will remit all the puniſhment but the taking off your head.

Priſoner (Weeping) *My Lords*, your Juſtice does not make me cry, but your Goodneſs.

Then the Lord High Steward *broke his ſtaff, and the Lords adjourned into the Parliament Chamber, and the Commons returned to their*

Houſe

House, and the Prisoner with the Ax born before him with the edg towards him (it being carried contrarily during his Trial) was sent back to the Tower.

His Majesty afterwards ordered the Lord High Chancellor to issue out under the Great Seal of *England* the following Writs for Executing the said late Viscount *Stafford*; the first being to the Lieutenant of the *Tower*, to deliver him on the 29*th.* of *December* 1680. between nine and eleven a clock in the forenoon, at the usual place without the *Tower-gate*, to the Sheriffs of *London* and *Middlesex*; and the other being for them then and there to receive him into their custody, and to lead him to the usual place upon *Tower-Hill*, and there to cause his head to be cut off, and severed from his body: Which Writs were in form following.

CAROLUS *Secundus Dei gratia* Angliæ, Scotiæ, Franciæ, & Hiberniæ *Rex, fidei defensor*, &c. *Locumtenenti* Turris *nostræ* London *salutem*; *Cum* Willus *Vicecomes* Stafford, *per Communes Regni nostri* Angliæ *in Parliamento assemblat', de altâ proditione, necnon diversis aliis criminibus & offensis per ipsum perpetrat' & commissis, impetit' fuit, Ac superinde per Dominos Temporales in præsenti Parliamento nostro convent', triat' convict'; & debita juris forma attinct' fuit; & morti adjucat', existit: Cujus quidem Judicii executio adhuc restat facienda. Cumq; prædictus Vicecomes* Stafford *in* Turri *nostrâ* London, *sub custodiâ tuâ detent' existit: Precipimus tibi & per presentes firmiter injungendo mandamus, quòd in & super vicesimum nonum diem instantis mensis* Decembris, *inter horas nonam, & undecimam, ante Meridiem ejusdem diei, ipsum Vicecomitem* Stafford, *usq; locum usualem extra portam* Turris *predictæ ducas; ac ipsum, Vicecomitibus Civitatis nostræ* London *&* Middlesex, *adtunc & ibidem deliberes: Quibus quidem Vicecomitibus, nos per aliud breve eis inde direct', precepimus predictum Vicecomitem* Stafford *adtunc & ibidem recipere, ut fiat executio Judicii prædicti, modo & formâ prout dictis Vicecomitibus* London *&* Middlesex, *per aliud breve nostrum predictum precepimus: Et hoc nullatenus omittas, sub periculo incumbente, Aliquo Judicio, Lege, Ordinatione, seu mandato præantea habit', fact', ordinat', seu dat' in contrarium non obstante. Teste meipso apud* Westm. *decimo octavo die* Decembris, *Anno regni nostri tricesimo secundo.*

BARKER.

CAROLUS

CAROLUS *Secundus Dei gratia* Angliæ, Scotiæ, Franciæ, & Hiberniæ *Rex, fidei defensor*, &c. *Vic.* London *& Vic.* Middlesex *salutem: Cum* Willus *Vicecomes* Stafford, *per Communes regni nostri* Angliæ *in Parliamento assemblat', de altâ proditione, necnon diversis aliis criminibus & offensis per ipsum perpetrat' & commissis impetit' fuit; Ac superinde per Dominos Temporales in presenti Parliamento nostro convent', triatus, convict' & debitâ juris formâ, attinct' fuit, & morti adjudicat' exisiit: Cujus quidem Judicii executio adhuc restat facienda; Precipimus vobis, & per presentes firmiter injungendo mandamus, quòd in & super vicesimum nonum diem hujus instantis* Decembris, *inter horas nonam, & undecimam, ante meridiem ejusdem diei, dictum Vicecomitem* Stafford, *extrâ Portam* Turris *nostræ* London, *vobis tunc & ibidem deliberandum, prout per aliud breve Locumtenenti* Turris *nostræ* London *directum, precepimus, in custodiam vestram adtunc & ibidem recipiatis, & ipsum sic in custodiâ vestrâ existentem, statim usq; usualem locum super le* Tower-hill *ductatis; Ac caput ipsius* Willi. *Vicecomitis* Stafford, *adtunc & ibidem amputari, ac a corpore suo omnino separari faciatis, aliquo Judicio, Lege, Ordinatione, seu mandato præntea habit', fact', ordinat', seu dat' in contrarium, non obstante: Et hoc (sub periculo incumbente) nullatenus omittatis; Teste meipso apud* Westm. *decimo octavo die* Decembris, *Anno regni nostri tricesimo secundo.*

BARKER.

There were two Writs to the Sheriffs both alike *verbatim*, one delivered in *London*, the other in *Middlesex*.

Whereupon the Sheriffs doubting whether that was a sufficient Authority for them to execute the Prisoner by beheading only, the sentence of death being otherwise given, Petitioned the Lords in Parliament to take the Premises into consideration, and to make such Order as should be agreeable to Right and Justice, as by the following Petition appears.

To

TO THE

Right Honourable the Lords Temporal in PARLIAMENT Assembled;

The humble Petition of *Slingsby Bethel* Esq; and *Henry Cornish* Esq; Sheriffs of *London* and *Middlesex*:

Sheweth,

THat your Petitioners have received a Writ under the Great Seal of *England*, Reciting, that Judgment had been given by your Lordships against *William* Viscount *Stafford*, for High Treason, and diverse other Crimes and Offences, upon the Impeachment of the Commons in Parliament Assembled, and commanding your Petitioners to cause the said Viscount *Staffords* Head to be Severed from his Body upon the Twenty ninth day of this instant *December*, notwithstanding any Judgment, Law, Ordinance, or Command to the contrary.

That your Petitioners have not as yet Received any Command from your Lordships for Executing the said Judgment.

May it therefore please your Lordships to take the Premisses into consideration, and to make such Order therein as shall be agreeable to Right and Justice.

And your Petitioners shall always Pray, &c.

Upon which Petition the Lords did Declare as followeth:

Die Martis 21 *Decembris*. 1680.

UPon Application from the Sheriffs of *London* and *Middlesex*, making some Scruples concerning the Execution of the late Lord Viscount *Stafford*, which were found by this House to be unnecessary, This House do Declare, That the Kings Writ ought to be obeyed.

The said Sheriffs likewise made Application to the House of Commons upon the aforesaid matter, who made the following Resolve.

Die Jovis 23 Decembris. 1680.

REsolved, &c. That this House is content that the Sheriffs of *London* and *Middlesex*, do Execute *William* late Viscount *Stafford*, by Severing his Head from his Body only.

Wednesday, December 29. 1680.

ABout the hour of Ten in the Morning, the Sheriffs received the Prisoner, according to the Command of the Writs, from the Lieutenant of the *Tower*, and brought him upon the Scaffold, which was erected on *Tower-hill*. The Prisoner took a Paper out of his pocket, and (putting off his Hat) read it as his Speech, (which the very same day, before Two of the Clock, came out in Print as his Speech) and he delivered divers Copies, signed by himself, to Mr. Sheriff *Cornish*, and other Gentlemen about him. He then desired he might have liberty to pray in his own way; which being granted, he kneeled down by the Block, and taking out of his pocket another Paper, he read a *Latin* Prayer; which done, he gave the Paper to Mr. Sheriff *Bethel*; and then spoke to the People about the Scaffold to this effect: *God bless you all, Gentlemen; God preserve his Majesty, He is as good a Prince as ever govern'd you; Obey Him as faithfully as I have done; and God bless you all, Gentlemen.* Then he stripp'd himself to his Wastcoat, and after some few short private discourses with his Friends, he laid down his neck on the Block, and stretched himself. The Executioner being demanded by the Sheriffs whether he had any Sign; he answered, No. Then the Prisoner raised up his head, and said, He had no Sign to give, but the Executioner might take his opportunity; and laid his neck on the Block again. After which, in a short time, the Executioner did his Office, by Severing his Head from his Body, and holding up the Head in his hand, carried it about the Scaffold, shewing it to the People, and saying, *Here is the Head of a Traitor.* The Body was put into a Coffin, and conveyed to the *Tower*.

FINIS.

ERRATA.

PAge 3. line 9. for *Rooms* read *Room*. Pag. 10. line 23. for *your* read *their*. Pag. 36. line 29. for *in* read *on*. Pag. 59. line 43. dele *and*. Pag. 143. line 7. for *morning* read *morrow*. Pag. 172. line 13. for *disserved* read *disserred*. Pag. 185. line 45. read *did not talk*. Pag. 195. line 27. read *my Lords I am*. Pag. 216. line 16. for *ducatis* read *ducatis*.